

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington, Chairman  
Robert C. Frazee, Vice Chairman  
Wesley Chesbro, Member  
Janet Gotch, Member  
Paul Relis, Member

## REGULAR MONTHLY BUSINESS MEETING

Wednesday, October 23, 1996  
9:30 a.m.

City Hall  
Council Chambers  
1201 Civic Center Boulevard  
Yuba City, CA 95993

Thursday, October 24, 1996  
9:30 a.m.

Board Room  
8800 Cal Center Drive  
Sacramento, CA 95826

## AGENDA

### *Note:*

- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies.*
- *Public testimony may be limited to five minutes per person.*
- *To request special accommodations for those persons with disabilities, please contact the Board's Administrative Assistant at (916) 255-2156.*

**Important Notice:** The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify if an item will be heard, please call Patti Bertram at (916) 255-2156.

1. PRESENTATIONS BY LOCAL OFFICIALS
2. REPORTS OF THE BOARD'S COMMITTEES
3. REPORT FROM THE EXECUTIVE DIRECTOR
4. CONSIDERATION OF CONSENT AGENDA ITEMS

Chopelena CleanUp  
Assembly Nat. Resources  
Hearing  
Pass Robles 11/7  
Public Hearing

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ADMINISTRATION COMMITTEE

5. CONSIDERATION OF AN INCREASE TO THE 1996-97 FISCAL YEAR INTERAGENCY AGREEMENT WITH THE BOARD OF EQUALIZATION (BOE) TO COLLECT THE TIRE RECYCLING FEE
6. CONSIDERATION OF A CONTRACT CONCEPT AND AWARD OF CONTRACT FOR \$1,000,000 WITH THE CALIFORNIA CONSERVATION CORPS FOR USED OIL EDUCATION ACTIVITIES

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MARKET DEVELOPMENT COMMITTEE

7. CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM
8. CONSIDERATION OF THE COMPOSITION OF MEMBERSHIP AND THE ESTABLISHMENT OF A PROCESS FOR SELECTION/APPOINTMENT TO THE RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) LOAN COMMITTEE

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POLICY, RESEARCH & TECHNICAL ASSISTANCE COMMITTEE

9. CONSIDERATION OF A PROCESS TO IDENTIFY A STATE AGENCY PARTNER AND PROJECT FOR THE 1997-98 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM (EEMP) GRANT APPLICATION
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11. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SUMMARY PLAN AND COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN FOR AMADOR COUNTY
12. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF EUREKA, HUMBOLDT COUNTY
13. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF DUARTE, LOS ANGELES COUNTY

14. C CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF PORTOLA, PLUMAS COUNTY
15. C CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LODI, SAN JOAQUIN COUNTY
16. C CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT AND SUMMARY PLAN FOR SOLANO COUNTY
17. C CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT AND SUMMARY PLAN FOR ALAMEDA COUNTY
18. CONSIDERATION OF ADOPTION OF THE NEGATIVE DECLARATION (SCH# 96-072082) AND THE PROPOSED REGULATIONS FOR CONSOLIDATION OF THE ANNUAL REPORT REQUIREMENTS, 14 CCR, SECTIONS 18794.0 - 18794.6
19. *pulled committee only* CONSIDERATION OF APPROVAL TO PUBLICLY NOTICE PROPOSED AMENDMENTS TO THE RIGID PLASTIC PACKAGING CONTAINER REGULATIONS AS A RESULT OF AB 2508 (HOUSE)

PERMITTING AND ENFORCEMENT COMMITTEE

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OTHER

29. PRESENTATION OF SIX-MONTH UPDATE ON OXFORD TIRE RECYCLING PERMIT, STANISLAUS COUNTY
30. OPEN DISCUSSION
31. ADJOURNMENT

**Notice:** The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (s) and (q), respectively.

For further information please contact:

INTEGRATED WASTE MANAGEMENT BOARD  
8800 Cal Center Drive  
Sacramento, CA 95826

Patti Bertram, Administrative Assistant  
(916) 255-2156

**NOTE:** BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS: [HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)



**LOCAL PLANNING DOCUMENTS:**

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, ITEMS 11 THROUGH 17 UNDER THE LOCAL ASSISTANCE AND PLANNING COMMITTEE HEADING ARE NOT INCLUDED IN THIS BOARD PACKET.

FOR COPIES OF THE ABOVE ITEMS, PLEASE REFER TO THE OCTOBER 16, 1996 LOCAL ASSISTANCE AND PLANNING COMMITTEE PACKET, ITEMS 4 THROUGH 10. OR, IF YOU ARE NOT ON THE LOCAL ASSISTANCE AND PLANNING COMMITTEE PACKET MAIL LIST, PLEASE CONTACT PATTI BERTRAM AT (916) 255-2156 TO OBTAIN A COPY OF THESE ITEMS.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
October 23, 1996

AGENDA ITEM 5

ITEM: CONSIDERATION OF AN INCREASE TO THE 1996-97 FISCAL YEAR  
INTERAGENCY AGREEMENT WITH THE BOARD OF EQUALIZATION TO  
COLLECT THE TIRE RECYCLING FEE

I. SUMMARY

The Board is asked to consider an increase of \$39,000 to the 1996-97 fiscal year interagency agreement with the State Board of Equalization (BOE) for Tire Recycling fee collection and enforcement services. The Board was previously informed that the amount to be paid to BOE would be \$445,000. This would increase to \$484,000 if the Board concurs with the addition of \$39,000.

BOE has performed these services for \$445,000 for each of the past two fiscal years. BOE indicates that this amount is less than the actual cost incurred for these services. Additionally, they have indicated that during 1995 costs increased due to a general salary increase. See attachment A for BOE's itemization of its costs.

In a memorandum dated August 30, 1996, BOE indicates that it may cease activities related to the collection of the Tire Recycling Fee if an agreement is not executed for an amount that covers its expenses. In a subsequent memorandum dated September 20, 1996, BOE indicates a willingness to execute an agreement for \$242,000 to collect the fee for the first six months of fiscal year 1996-97 so as not to interrupt fee collection services for the Board, but that if the full amount is not provided, they will not collect beyond December 31, 1996. In that memorandum, BOE also indicates that the Legislature and the Department of Finance have approved the \$484,000 reimbursement level through the budget process.

In its decision, the Board should be aware that past and proposed agreement amounts exceed the statutory limitations on administrative spending for fee collections. The Public Resources code limits total spending on administrative costs of the Tire program to eight percent of the revenue which includes a 3% ceiling restriction for the collection of fees. The cost to collect this fee has always exceeded these limits due to the large fee paying population (over 7,500) and the low fee level (\$0.225 per tire). The amount paid in fiscal year 1995-96 (\$445,000) equaled eleven percent (11%) of the revenues collected. The amount now proposed by BOE for fiscal year 1996-97 (\$484,000) would equal thirteen percent (13%) of the amount anticipated to be collected.

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## II. PREVIOUS COMMITTEE ACTION

In accordance with the Board's contracting procedures, a memorandum, dated February 5, 1996, was forwarded to Board Members indicating that various "mandatory service contracts" would be executed by the Executive Director unless other directions were given. The memorandum included this agreement and indicated that \$445,000 would be allocated for it.

The Administration Committee considered this item at its October 8, 1996 meeting and approved the staff recommendation to authorize an agreement for \$484,000.

## III. OPTIONS FOR THE BOARD

The Board may wish to do one or more of the following:

1. Authorize an agreement for the amount of \$484,000 as requested by BOE.
2. Authorize a six month agreement (July - December) for a maximum amount of \$242,000 and consider another agreement (or amendment) before it expires.
3. Request that a legislative proposal be developed to increase the administrative spending ceilings in line with current administrative costs.

## IV. STAFF RECOMMENDATIONS

Staff recommend approval of option number 1. As indicated by the BOE, both the Legislature and the Department of Finance have approved the \$484,000 reimbursement level. In addition, we are not in a position to take over fee collection activities or outsource this effort by January 1, 1997.

## V. ANALYSIS

### Background

1. The Public Resources Code limits spending on administrative costs of the Tire program itself to five percent (5%) of the revenue collected and restricts spending associated with the collection of the fee to three percent (3%).

PRC 42889:

"The money in the fund shall, upon order of the Controller, be drawn

therefrom for the payment of refunds under this chapter. The balance of the money in the fund shall be appropriated in the annual Budget Act to the board for expenditure for the following purposes:

- (a) To pay the costs of administration of this chapter, not to exceed 5 percent of the total revenue deposited in the fund annually.
- (b) In addition to payments authorized by subdivision (a), to pay the costs of administration associated with collection, making refunds, and auditing revenues in the fund, not to exceed 3 percent of the total revenue deposited in the fund, as provided in subdivision (b) of Section 42885."

2. The cost to collect this fee has always exceeded these limits due to the large fee paying population (over 7,500) and the low fee level (\$0.225 per tire).

Table 1. Tire Recycling Fee Revenues and Collection Costs

Fiscal Year	Revenue Collected	Collection Agreement Amount	Percent of Revenue Collected
1990-91	\$2,265,299*	\$ 305,000	13.46 %
1991-92	\$3,425,168	\$ 492,000	14.36 %
1992-93	\$3,438,852	\$ 471,000	13.70 %
1993-94	\$3,479,139	\$ 471,000	13.54 %
1994-95	\$4,443,014**	\$ 445,000	10.02 %
1995-96	\$3,951,845	\$ 445,000	11.26 %

\* Three quarters only.

\*\* Five quarters due to adoption of accrual accounting.

The amount now proposed by BOE for fiscal year 1996-97 (\$484,000) would equal thirteen percent (13%) of the amount of revenues anticipated.

3. The spending ceiling of 3% was only realistic when the fee was originally proposed at \$1.00 per tire. The tire fee collection program was first introduced in Assembly Bill 4607 (W. Brown, Clute, Bradley). It proposed levying a fee of \$1 per tire disposed of and estimated generating approximately \$20 million annually. At this revenue level, these spending ceilings (3 and 5 percent) appear reasonable (see Table 2 below). This original proposed legislation was vetoed by Governor Deukmejian.

Later legislation was successful but not before an amendment reduced the fee to be collected from \$0.50 to the current \$0.25<sup>1</sup> per tire.

<sup>1</sup>The effective rate is \$0.225 as fee payer are allowed to retain 10% of the fee to pay for their expense to collect and forward the fee to the state.

**Table 2. Fee Rates and Collection Spending Ceiling**

Fee Rate \$/Tire	Revenue (16.2 million tires)	Collection Spending Ceiling (3%)
\$ 0.225	\$ 3.65 million	\$ 109.50 thousand
\$ 0.50	\$ 8.10 million	\$ 243.00 thousand
\$ 1.00	\$ 16.20 million	\$ 486.00 thousand

The cost to collect a fee is not specifically related to total receipts. Factors such as the number and type of fee payers, the complexity of the return form, auditing requirements and the complexity of data reporting requirements have a much greater cost impact than the fee rate itself does. Over 7,500 tire dealers of all sizes participate in this program requiring the processing of at least 30,000 returns. The Integrated Waste Management Fee, in contrast, is paid by only 244 landfill operators generating less than 1,000 returns each year.

Legislation was recently enacted that will change the nature of the Tire Fee and could impact the cost to collect this fee and the revenues received, but to an uncertain degree. Assembly Bill 2108 (Mazzoni, 1996) changed PRC Section 42885 to require tire sellers to collect and forward \$0.25<sup>2</sup> for every tire sold, instead of for each tire left for disposal. This change most likely will not require the addition of any, or many, fee payers, and thus additional collection expenditures are not anticipated. Changing the basis of the fee may increase the revenues collected from \$ 100,000 to \$ 1,000,000 annually. These changes will not result in even the Board's proposed collection spending to fall within the ceiling.

**Table 3. Spending Ceilings After AB 2108**

	Revenue Collected	Collection Agreement Amount	Percent of Revenue Collected
Current	\$3.95 million	\$ 445,000	11.26 %
Under AB 2108			
High Impact	\$4.95 million	\$ 445,000	9.0 %
Low Impact	\$4.05 million	\$ 445,000	11.0 %

<sup>2</sup>Minus 10 percent.

Proposal

Several courses of action are available to the Board:

1. The Board can proceed to execute the agreement for the amount requested by BOE (\$484,000). This would ensure uninterrupted collection of the Tire Fee. It would however not resolve the fact that spending for fee collections exceeds the 3% ceiling. Also, it would require a reallocation of, and reduction in, other Tire Fund spending.

2. The Board can execute an agreement for part of the fiscal year for an amount less than \$445,000. BOE has proposed executing a six month agreement to continue fee collection from July through December for \$242,000.<sup>3</sup> Another agreement, or an amendment, would be needed by December 16 to continue the collection services. This would give the Board and BOE until the end of the year to reach a resolution and would ensure uninterrupted collection of the Tire Fee. It would, however require the redirection of administrative allocations budgeted for other activities to fund it.

3. The Board can request that a legislative proposal be developed that would increase the administrative spending ceiling to a level reflective of the actual cost of collecting the fee, 13%. Section 42889(b) of the PRC could be amended as follows:

*(b) In addition to payments authorized by subdivision (a), to pay the costs of administration associated with collection, making refunds, and auditing revenues in the fund, not to exceed ~~3~~13 percent of the total revenue deposited in the fund, as provided in subdivision (b) of Section 42885.*


**VI. ATTACHMENTS**

- A. 1996-97 Administrative Cost Estimate
- B. Funding Block

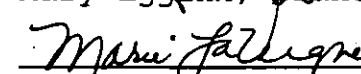
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<sup>3</sup>One-half of the \$484,000 annual amount requested.

VII. APPROVALS


Prepared by:  Phone: 255-2242  
Dennis Meyers

Reviewed by:  Phone: 255-2710  
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Marie Lavergne, Deputy Director

Reviewed by:  10/11/96 Phone: 255-2319  
Caren Trgovcich, Deputy Director

Reviewed by:  10/11/96 Phone: 255-2431  
Dorothy Rice, Deputy Director

Legal review:  10/15/96 Phone: 255-2821  
Elliot Block

State Board of Equalization

TIRE DISPOSAL FEE PROGRAM

"1996-97 Administrative Cost Estimate"

	1995-96			1996-97 Budgeted		
	Revised Base a/	Adjustment b/	Contract Level c/	Base a/	Adjustment d/	Proposed Contract Level c/
1. <u>Special Taxes and Department (STD)</u>						
Excise Taxes Division:						
Personal Services	\$288,000	-\$25,000	\$263,000	\$288,000	\$8,000	\$296,000
Operating Expense	53,000	-0-	53,000	53,000	-0-	53,000
Subtotal Excise Taxes	341,000	-25,000	316,000	341,000	8,000	349,000
2. <u>Administration Department e/</u>						
Mail Processing	27,000	-0-	27,000	27,000	-0-	27,000
Cashiers	21,000	-0-	21,000	21,000	-0-	21,000
Technology Services Division (TSD)	37,000	-0-	37,000	37,000	1,000	38,000
Subtotal Administration	85,000	-0-	85,000	85,000	1,000	86,000
3. <u>Subtotal (1 + 2)</u>	426,000	-25,000	401,000	426,000	9,000	435,000
4. <u>SBE Overhead (3 x 11%)</u>	47,000	-3,000	44,000	47,000	2,000	49,000
5. <u>Total (3 + 4)</u>	\$473,000	-\$28,000	\$445,000	\$473,000	\$11,000	\$484,000

a/ Revised base resulting from the budgeted level (\$507,000) being reduced by \$34,000 to reflect the elimination of one position. Please note this amount does not include the impact of the January 1, 1995 salary increase.

b/ Forced adjustment required to reduce the revised base to the contract level proposed by Ms. Bonita MacDuffee of the California Integrated Waste Management Board.

c/ Please see Allan K. Stuckey's memo of November 3, 1994 to Mr. Ralph E. Chandler regarding the 1994-95 and 1995-96 contracts for this program.

d/ Full-year impact of the January 1, 1995 salary increase.

e/ Includes both Personal Services and Operating Expense.

Budget Division  
Budget Section  
(pc #5 EX 7



Attachment B

FUNDING INFORMATION

Amount Requested in Item: \$39,000

Fiscal Year: 1996-97

Fund Source:

- ☐ Used Oil Recycling Fund
- ☒ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other \_\_\_\_\_  
(Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other \_\_\_\_\_  
(Specify)

Redirection:

If Redirection of Funds: \$39,000

Fund Source: Tire Recycling Management Fund

Line Item: Consultant & Professional Services

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 23, 1996

## AGENDA ITEM 6

**ITEM:** CONSIDERATION OF A CONTRACT CONCEPT AND AWARD OF CONTRACT FOR \$1,000,000 WITH THE CALIFORNIA CONSERVATION CORPS FOR USED OIL EDUCATION ACTIVITIES

### I. SUMMARY

The California Integrated Waste Management Board (CIWMB) is mandated to develop and implement a statewide information and education program for the promotion of alternatives to the illegal disposal of used oil as part of it's Used Oil Program. Public Resources Code section 48656 specifies that at least 20% of promotional funds be spent to that end. During the contract concept approval process for Fiscal Year 1996/97 conducted last spring, no concepts were submitted for used oil educational activities. Approximately \$900,000 was identified at that time as available for educational/informational activities. This concept represents one of several concepts being developed for CIWMB approval to meet the program objectives and fulfill the funding requirements.

In September 1994, the CIWMB contracted, via an Interagency Agreement for \$2,000,000, with the California Conservation Corps (CCC) to develop and conduct used oil recycling presentations primarily for secondary school students. School presentations were scheduled to be completed by last June, but remaining monies allowed the CCC to continue their efforts through this fall. Monies remaining in the original \$2,000,000 contract will be depleted by December 30 of this year. The contract was amended in March 1996 to extend the CCC efforts and to contract with the CCC to administer grants to Local Conservation Corps. \$600,000 was appropriated to the Board in the 95/96 Budget Act for grants to Local Conservation Corps for used oil related education projects.

The CCC also offers assistance to local governments in conducting their used oil programs. Many local governments have limited funding to conduct used oil programs and some rely heavily on the assistance that the CCC can provide, especially during the very active summer months. Specifically, two rural governments have requested that additional funding be given to the CCC to support their efforts.

The recommendation is to continue the presentations through the remainder of the 1996/97 school year, and provide for local government assistance during the summer months by augmenting the contract with an additional \$1,000,000.

## **II. PREVIOUS COMMITTEE ACTION**

At its October 8, 1996 meeting, the Administration Committee approved this item and placed it on the consent agenda for the Board Meeting.

## **III. OPTIONS FOR THE BOARD:**

Board members may decide to:

1. Approve the contract concept and funding level as proposed, award an Inter Agency Agreement to the California Conservation Corps, and adopt Resolution #96-445.
2. Direct staff to make changes to the concept as proposed and approve an award as amended.
3. Direct staff not to proceed with this contract concept.

## **IV. STAFF RECOMMENDATIONS**

Staff recommends Option 1; approve the contract concept and enter into an IAA with the California Conservation Corps to continue the school education program for the remainder of the 1996/97 school year and expand efforts in support of local government grantees' used oil activities. Upon approval of the concept and funding level, staff will provide a scope of work to advisors for approval pursuant to the CIWMB's contract approval process.

## **V. ANALYSIS**

Staff propose to continue the activities conducted by the CCC through the existing contract term of September 30, 1997. As a result, all districts of the CCC will serve more than 50 counties throughout California by providing school presentations and supporting local government activities such as public events, storm drain stencilling projects, conducting surveys and household hazardous waste collection. The intent of funding this augmentation is to provide school presentations through the 1996/97 school year and provide greater support for local government (especially rural governments) through the summer months.

Through the current contract, the CCC developed: a script and model materials, methods for contacting schools to schedule

presentations, and tools for tracking achievements and measuring effectiveness of the project. As of June 1996 the CCC has made presentations in auto shop, environmental and physical science, driver's education classes, as well as assembly presentations reaching nearly 700 schools and over 64,000 students. With the additional funds the CCC anticipates to reach over 33,000 additional students as well as assist many local governments with their programs.

Adequate monies exist for this contract from Promotional funds. Promotional funds remain after monies for block grants, CIWMB administrative costs, a prudent reserve, and incentive claims have been allocated. Approximately \$1,600,000 is available after applying the 20% expenditure requirement (PRC 48656) to the Promotional funds shown in the 1996/97 Budget Act.

#### VI. FUNDING INFORMATION

Amount Requested in Item: \$1,000,000

Fund Source:

- ☒ Used Oil Recycling Fund (promotion)
- ☐ Tire Recycling Management Fund
- ☐ RMD Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other \_\_\_\_\_  
(Specify)

Approved From Line Item:

- ☒ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other (Specify)

Redirection:

If Redirection of Funds: \$ \_\_\_\_\_

Fund Source: \_\_\_\_\_

Line Item: \_\_\_\_\_

**VII. ATTACHMENTS**

Attachment 1: Resolution # 96-445.

Prepared by: Bob Boughton *RB* Phone: 255-2327

Reviewed by: Mitch Delmage *MD* Phone: 255-4455

Reviewed by: Marie LaVergne *ML* Phone: 255-2376

Reviewed by: Judy Friedman *JF* Phone: 255-2269

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION 96-445**

**APPROVAL OF CONTRACT CONCEPT AND AWARD FOR \$1,000,000 FOR AN  
INTERAGENCY AGREEMENT WITH THE CALIFORNIA CONSERVATION CORPS FOR  
USED OIL**

**PUBLIC EDUCATION**

**WHEREAS**, Public Resources Code Section 48656 authorizes the Board to use specified monies in the Used Oil Recycling Fund for development and implementation of an information and education program for the promotion of alternatives to the illegal disposal of used oil; and

**WHEREAS**, the California Conservation Corps will conduct used oil recycling presentations in secondary schools and assist local governments with implementation of local used oil programs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby approves the contract concept for an Interagency Agreement with the California Conservation Corps in the amount of \$1,000,000 and authorizes the Executive Director to sign the resultant agreement.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on October 23, 1996.

Dated:

Ralph Chandler  
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
October 23, 1996

**AGENDA ITEM 7**

**ITEM:** CONSIDERATION OF APPOINTMENT OF A MEMBER TO THE LOAN COMMITTEE FOR THE RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM

**I. SUMMARY**

There currently is one vacancy on the Recycling Market Development Zone Loan Committee (Committee). This agenda item recommends filling that vacancy.

**II. PREVIOUS BOARD ACTION**

None

**III. OPTIONS FOR THE BOARD**

The Board may:

1. Appoint Daryl Sutterfield to fill the Committee vacancy for the Lending Community representative.
2. Modify committee recommendation.
3. Take no action and provide staff further direction.

**IV. COMMITTEE RECOMMENDATION**

At its October 10, 1996, meeting the Market Development Committee recommended that the Board appoint Daryl Sutterfield, Vice President, Redding Bank of Commerce, to fill the vacancy on the Loan Committee for the remainder of a two year term expiring December 31, 1997. It also directed that the item be placed on the Board's consent calendar.

## V. ANALYSIS

Regulations for the Recycling Market Development Zone (RMDZ) Loan Program require that the Board, upon recommendation of the Market Development Committee, appoint a Recycling Market Development Zone Loan Committee of not more than seven members (14 CCR 17931(c)). The purpose of the Committee is to advise the Board on the financial soundness of loan applications. The Committee meets quarterly and submits a list of recommended projects to the Market Development Committee for final recommendation to the full Board.

Regulations further state that the Committee shall be comprised of representatives demonstrating expertise in financial analysis and credit evaluation, who are from the public and private sectors, urban and rural areas, the lending community, and the Trade and Commerce Agency (formally the Department of Commerce). Initial appointments based upon these representative groups were made in December of 1992. The terms of four Loan Committee members expire December 31, 1997, with the terms for the remaining three Loan Committee members expiring December 31, 1996.

The vacancy for the Lending Community category was due to the resignation of Bruce Stewart, Vice President for Bank of America. Two executive career banking candidates were identified for the single position, both candidates displaying the necessary lending experience, interest in the loan program and availability to be strong members of the Loan Committee. Staff's recommendation of Daryl Sutterfield, Vice President, Redding Bank of Commerce, is based on a desire to effect a greater geographic diversity in the representatives of Loan Committee. One of the strengths of the Loan Committee members is their intimate knowledge of local lending conditions and how those conditions may pertain to an individual borrower.

The banking candidate from Lodi displayed excellent credentials for servicing on the Loan Committee. Staff will maintain a continuing relationship with this individual as a potential candidate for further vacancies. Attachment 2 details the qualifications of the recommended candidate.

## VI. ATTACHMENTS

1. Existing RMDZ Loan Committee Members
2. Background Profiles of Loan Committee Candidate




**VII. APPROVALS**

Prepared by: Calvin Young Phone: 255-2476

Reviewed by:  Phone: 255-2442

Reviewed by:  Phone: 255-2413

Reviewed by:  Phone: 255-2320

Legal Review  Date/Time: 10/15/96 1:50 pm

**Recycling Market Development Zone  
Loan Committee Members**

<b>Member</b>	<b>Category</b>	<b>Term Expiration</b>
Vacant	"Lending Community"	December 1997
Ms. Kristine M. Chung Vice President City National Bank Los Angeles	"Private Sector"	December 1996
Mr. Ray Sakaida General Manager Business Finance Center Monterey Park	"Urban Area"	December 1996
Mr. James R. Baird Chief Executive Officer Bay Area Development Company Lafayette	"Public Sector North"	December 1997
Eric Watkins Senior Loan Officer Trade & Commerce Agency Sacramento	"Trade and Commerce Agency"	December 1997
Roxanne Middleton Senior Lending Officer California Statewide CDC Davis	"Rural Area"	December 1997
Lupe Vela Program Administrator Integrated Solid Waste Management Office Bureau of Sanitation City of Los Angeles	"Public Sector South"	December 1996

RESUME

DARYL F. SUTTERFIELD  
1876 Kingswood Way  
Redding, CA 96003  
(916)243-7199

EDUCATION:

Wisconsin State University - River Falls, WI  
B.S. Degree in Economics - 1971

West Valley College - Saratoga, CA  
15 units American Institute of Banking courses including Banking Operations,  
Business Law, Real Estate Economics, Real Estate Appraisal, and Elements of  
Supervision - 1971-1973

Stonier School of Banking - Rutgers University, NJ (1st year course)

Certificates:

Robert Morris Associates - Loan Management Seminar - Ohio State University, 1982.

Dale Carnegie - Effective Speaking and Human Relations Course  
Management Seminar

Bank of America - School for Commercial Lending, 1977.

BUSINESS EXPERIENCE:

Redding Bank of Commerce, April 1994 to Present

Position: Vice President, SBA Loans  
Agreed to start-up new department and SBA loan program for the Bank. Duties  
include soliciting, packaging and submitting projects under SBA guidelines.  
Acquired Certified Lender Program status for the bank and received approval  
for over \$8 million in SBA loans in the last fiscal year.

Country National Bank, March 1992 to March 1994

Position: Vice President, SBA Loans  
Responsibilities included: Developing and starting the SBA loan program for  
the bank. Went from \$4 million in new loans during first year, to over \$7  
million in second year. The bank was recognized as the top lender in our area  
by the SBA.

Left position when bank was sold and acquiring bank was not interested in  
continuing the program.

Daryl F. Sutterfield  
Resume

Daryl F. Sutterfield & Associates, Business Consulting Services, Jan. 1988 to March 1992  
Redding, CA

Position: Self-employed: Services include developing and packaging of SBA 7A loans for financial institutions as well as individual businesses. Contract administration for City of Anderson Community Development Block Grant. Contract Consultant for Shasta County Economic Development Corporation of Shasta County.

Economic Development Corporation of Shasta County, 1985 to January 1988  
Redding, CA

Position: Business Development Manager  
Responsibilities included: Servicing Revolving Loan Fund and SBA Loan Portfolio. Developing and packaging of SBA 7A loans for financial institutions and packaging of SBA 504 loans for four-county area.

North Valley Bank, 1974 to 1985  
Redding, CA

Position: Vice-President, Director Corporate Finance (1984 - 1985)  
Responsibilities included: Developing and maintaining large or complex commercial loan accounts. Counseling major accounts on financial management - maintain professional and community relations - solicitation of new business.

Position: Vice President, Loan Administrator (1981 to 1984)  
Responsibilities included: Overseeing the bank's loan portfolio which included quality, yield and loan mix. Also responsible for loan and compliance audits, monitoring and reviewing SBA and Real Estate Departments and delinquency and charge off follow-up.

Position: Assistant Vice President - Business Loan Administrator (1979 to 1981)  
Responsibilities included: Setting up the Small Business Administration (SBA) program and developing secondary markets for the sale of loans.

Position: Assistant Manager - Redding Main Branch (1976 to 1979)  
Responsibilities included: Involved in commercial loans and responsible for supervising other loan officers in office.

Position: Loan Officer - Redding Main Branch (1974 to 1976)  
Responsibilities included: Making and servicing commercial, real estate, and installment loans.

# **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
October 23, 1996

## **AGENDA ITEM 8**

**ITEM:** CONSIDERATION OF THE COMPOSITION OF MEMBERSHIP AND THE ESTABLISHMENT OF A PROCESS FOR SELECTION/APPOINTMENT TO THE RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) LOAN COMMITTEE

### **I. SUMMARY**

The Board requested a process for selecting/appointing Loan Committee members be developed by staff and returned for consideration at the October 1996, Board meeting. This agenda item will provide that process to fill Loan Committee vacancies

### **II. PREVIOUS BOARD ACTION**

None

### **III. OPTIONS FOR THE BOARD**

Board members may decide to:

1. Accept committee's recommendation.
2. Modify committee's recommendation.
3. Take no action and provide staff further direction.

### **IV. COMMITTEE RECOMMENDATION**

At its October 10, 1996 meeting, the Market Development Committee (MDC) considered this two-part item; one dealing with the composition of Loan Committee, and the other with the selection/appointment process for Loan Committee members.

For the first part of the item, the MDC gave staff early guidance on concepts dealing with proposed modifications to the Loan Committee that would be the subject of a subsequent regulatory package. Since this part of the item didn't require any further action by the Board, it was not forwarded for consideration.

For the second part, staff, as previously requested by the Board, presented a more formal selection/appointment process to the Loan Committee. Item #3 (see below) of that process was modified by the MDC to allow staff to develop final recommendations for each vacancy. In the original staff recommendation, a short list of recommended candidates was to be presented by staff to the Board for consideration. MDC members agreed that individual candidates should not be required to have their qualifications debated before the MDC/Board.

The modified recommendation reads as follows:

That the Board authorize staff to:

1. Solicit candidates from a variety of sources, including Board members, Committee members, Zone Administrators, lending community representatives, and others.
2. Obtain information from the potential candidates related to their experience, interest in the program and availability to serve.
3. Recommend a candidate, with a summary of qualifications, for appointment to the Loan Committee by the MDC/Board.

The MDC directed staff to ensure that a resume of the recommended candidate be provided in advance of the MDC meeting to members. The MDC Committee also directed that the MDC Committee Chair be provided with an opportunity to meet with the recommended candidate in advance of consideration of appointment to the Loan Committee.

## V. ANALYSIS

### Background

Regulations for the Recycling Market Development Zone (RMDZ) Loan Program require that the Board, upon recommendation of the Market Development Committee, appoint a Recycling Market Development Zone Loan Committee (Committee) of not more than seven members (14 CCR 17931(c)). The purpose of the Committee is to advise the Board on the financial soundness of loan applications. The Committee meets quarterly and submits a list of recommended projects to the Market Development Committee for final recommendation to the full Board.

Regulations further state that the Committee shall be comprised of representatives demonstrating expertise in financial analysis and credit evaluation, who are from the public and private sectors,

urban and rural areas, the lending community, and the Trade and Commerce Agency (formally the Department of Commerce). Initial appointments based upon these representative groups were made in December of 1992. The terms of four Committee members expire December 31, 1997, with the terms for the remaining three Committee members expiring December 31, 1996.

#### Current Process

There is currently no formal process for filling vacancies on the Committee. The current process involves informal input from Board Members and outreach efforts from staff. When a candidate is identified with appropriate desire and experience from one of the categories identified in program regulations, staff recommends to the Board appointment of the candidate to the Committee.

In order to identify the best possible candidates for the Committee, staff proposes the following selection process:

1. Solicit candidates from a variety of sources, including Board members, Committee members, Zone Administrators, lending community representatives, and others.
2. Staff will obtain information from the potential candidates related to their experience, interest in the program and availability to serve.
3. Staff will submit an agenda item which includes a "short-list" of qualified candidates, accompanied by a summary of their qualifications. The Board will make its final selection and appointment from this list.

#### VI. ATTACHMENTS

1. Listing of Loan Committee Members

#### VII. APPROVALS

Prepared By: Calvin Young Phone: 255-2476

Prepared By: Robert Caputi *Robert Caputi* Phone: 255-2442

Reviewed By: John D. Smith *John D. Smith* Phone: 255-2413

Reviewed By: Caren Trgovcich *Caren Trgovcich* Phone: 255-2320

Legal Review: *[Signature]* Date/Time 10/15/96 1:45pm

**Recycling Market Development Zone  
Loan Committee Members**

Member	Category	Term Expiration
Vacant	"Lending Community"	December 1997
Ms. Kristine M. Chung Vice President City National Bank Los Angeles	"Private Sector"	December 1996
Mr. Ray Sakaida General Manager Business Finance Center Monterey Park	"Urban Area"	December 1996
Mr. James R. Baird Chief Executive Officer Bay Area Development Company Lafayette	"Public Sector North"	December 1997
Eric Watkins Senior Loan Officer Trade & Commerce Agency Sacramento	"Trade and Commerce Agency"	December 1997
Roxanne Middleton Senior Lending Officer California Statewide CDC Davis	"Rural Area"	December 1997
Lupe Vela Program Administrator Integrated Solid Waste Management Office Bureau of Sanitation City of Los Angeles	"Public Sector South"	December 1996



# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
October 23, 1996

## AGENDA ITEM 9

**ITEM:** CONSIDERATION OF A PROCESS TO IDENTIFY A STATE AGENCY PARTNER AND PROJECT FOR THE 1997-98 ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM (EEMP) GRANT APPLICATION

### I. SUMMARY

On September 13, 1996, staff received the Resources Agency 1997-1998 Environmental Enhancement and Mitigation Program Grant solicitation. Staff proposes a process to identify a California state agency partner and plastics lumber project and submit a grant application to the Resources Agency.

A grant proposal may be submitted for up to \$350,000, which would include \$50,000 per year for three years for the Battelle Memorial Institute to develop specifications, monitor, test and evaluate the project. Staff is seeking a suitable state agency project in California, and have some possible candidates. A proposal developed for this project would include the other government agency and Battelle as partners.

If a grant is awarded to a plastic lumber project, staff would develop contracts with the government agency and Battelle.

Applications are due to the Resources Agency on November 12, 1996.

### II. PREVIOUS BOARD ACTION

Not applicable

### III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Accept the Committee recommendation.
2. Not accept the Committee recommendation.
3. Modify the Committee recommendation.

#### IV. COMMITTEE RECOMMENDATION

The Policy, Research and Technical Assistance Committee recommendation is not included because the Committee had not met at the time this agenda item was prepared.

#### V. ANALYSIS

##### Plastic Lumber Issues

The Board has identified the lack of standards and specifications as one of the major barriers to development of markets for recycled-content plastic products and recognized the importance of Battelle Memorial Institute's activities in this area. Chairman Pennington, after action by the Market Development Committee and Board in August 1996, sent a letter of support to Battelle. The letter stated that staff would continue to work with Battelle to network with other California state agencies to identify California projects and possible funding sources.

The results from this project could be used to benefit other government agency plastic lumber projects. For example, model performance specifications can be developed for purchasing agents to use in developing their own plastic lumber specifications.

##### Grant Requirements

This Resources Agency grant program provides grants to local, state and federal agencies and nonprofit entities to mitigate the environmental impact of modified or new public transportation facilities. The main requirements for the grant are as follows:

- ▶ Eligible applicants are local, state or federal agencies or nonprofit agencies.
- ▶ The grant is limited to \$350,000 for each project.
- ▶ Categories of environmental enhancement and mitigation projects eligible for funding are:
  - Highway Landscape and Urban Forestry
  - Resource Land
  - Roadside Recreational

Eligible projects must meet these minimum requirements:

- ▶ Direct or indirect relationship with the environmental impact of modifying an existing transportation facility or construction of a new transportation facility.
- ▶ Provide mitigation or enhancement in addition to the mitigation required as part of the transportation projects to

which they are related.

- ▶ Mitigation must be compatible with and not interfere with the operation or safety of the transportation facilities.
- ▶ Mitigation must not limit currently planned or anticipated future improvements to the transportation facility.

#### **Staff Proposed Process:**

Staff has been in discussions with several state agencies regarding potential plastic lumber projects. Those agencies include: Boating and Waterways, Water Resources, Fish and Game, Parks and Recreation and Caltrans.

Staff has sent a letter to each of these agencies requesting that they identify and describe a qualified plastic lumber project by October 15, 1996. After receipt of the agency responses, staff proposes selecting the state agency project that best meets the Resources Agency grant criteria and the Board's support for development of recycled content plastic lumber standards and specifications by Battelle.

Board staff, the state agency and Battelle will jointly develop the proposal and submit it to the Resources Agency by November 12, 1996. The proposal will include up to \$50,000 for Battelle to develop specifications, monitor, test and evaluate the plastic lumber used in the project.

If the Resources Agency awards a grant to a project submitted by the Board, staff would then develop contracts with the partner agency and Battelle to implement the project.

#### **Key Issues**

The Board does not currently have funding available for the development of standards and specifications for plastic lumber products.

If the Board is to take advantage of this potential funding source, it is imperative for the Board to take expeditious action to identify a grant partner and develop a grant proposal.

#### **Fiscal Impacts**

This action will not result in any added costs to the Board. Any staff resources needed to develop the proposal are to be absorbed.

**VI. FUNDING INFORMATION**

Grant funding for the Environmental Enhancement and Mitigation program will be considered by the Resources Agency for recommendation to the California Transportation Commission. Grants are generally limited to \$350,000. No CIWMB funding is requested.

Amount Requested in Item: \$ up to \$350,000

Fiscal Year: 1996 - 1997

**Fund Source:**

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☒ Other California Transportation Commission  
(Specify)

**Approved From Line Item:**

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other \_\_\_\_\_

**Redirection:**

If Redirection of Funds: \$ \_\_\_\_\_

Fund Source: \_\_\_\_\_

Line Item: \_\_\_\_\_

VII. ATTACHMENTS

Letter of support

VII. APPROVALS

Prepared by: Edgar Rojas *Edgar Rojas* Phone: 255-2585

*R-Echt*  
Reviewed by: Ranny Eckstrom Phone: 255-2440

*R. To. n. m. h.  
Ser. m. G.*  
Reviewed by: Martha Gildart Phone: 255-2619

*[Signature]*  
Reviewed by: Caren Trgovcich Phone: 255-2320

*M. La Vergne 10/4/96*  
Reviewed by: Marie La Vergne Phone: 255-2269

*[Signature]*  
Legal: [Signature] Date/Time: 10/4/96

September 3, 1996

Prabhat Krishnaswamy, Ph.D.  
Battelle Memorial Institute  
505 King Avenue  
Columbus, Ohio 43201-2693

Dear Dr. Krishnaswamy:

On behalf of the California Integrated Waste Management Board (Board), I am writing to express Board member support, as voted on August 28, 1996, of Battelle's project as described in the prospectus: *Technologies for Structural Applications of Recycled Plastic Lumber*.


The Board is strongly committed to developing markets for recycled-content products, such as plastic lumber. In California alone, plastic represents about seven percent (by weight) of the waste stream, or about 2.7 million tons per year. The Board's 1996 Market Development Plan expresses our commitment to creating markets for recovered plastics, and identifies the manufacturing of value-added products, including plastic lumber, as a key market development priority action.

Although the Board is not able to provide direct financial support to the program at this time, we support the program in concept. Specifically, we believe Battelle's project would address basic questions concerning use of recycled plastic lumber in structural applications.

Board staff will continue to work with Battelle to network with other California state agencies to identify California projects and possible funding sources, publicize the project, and support the development of recycled plastic lumber markets through our Recycling Market Development Zone (RMDZ) and Recycling Business Assistance Team (R-Team) programs. Additionally, the Board may consider financial support in the future as funds become available.

If we may be of further assistance to you, please contact Ms. Caren Trgovcich, Deputy Director for the Waste Prevention and Market Development Division, at (916) 255-2320.

Sincerely,



Daniel G. Pennington

cc: Board Members  
Ms. Caren Trgovcich

# **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

## **BOARD MEETING**

**OCTOBER 23, 1996**

### **AGENDA ITEM 10**

**ITEM: CONSIDERATION OF TIRE PROGRAM PRIORITIES AND FUNDING ALLOCATIONS**

#### **I. SUMMARY**

The California Integrated Waste Management Board (BOARD) receives an annual appropriation from the California Tire Recycling Management Fund (Fund) to administer the Tire Recycling Act and related legislation. These programs include:

- the waste tire market development program,
- the waste tire hauler registration and manifest program,
- the waste tire facility permitting and enforcement program, and
- the waste tire site stabilization and remediation program.

Program implementation began in 1990 and is supported by a \$0.25/tire fee paid by persons leaving tires for disposal with tire dealers. Recently enacted legislation, AB 2108 (Mazzoni), changes the point of fee collection to the point of retail purchase and becomes effective January 1, 1997. These statutory fee collection provisions sunset June 30, 1999, thus the program is funded for three remaining fiscal years (FY 96/97, 97/98, and 98/99). The projected total discretionary funding over this three year timeframe is approximately \$16.8 million. It should be noted that, while the fee collection provisions sunset in 1999, all of the program mandates continue.

In the past, the Board has adopted an annual spending allocation decision and implemented program activities for the current fiscal year. This agenda item incorporates testimony received at the public workshop of the Policy, Research, and Technical Assistance Committee held on September 5, 1996, and presents suggested program activities and fund allocation options for the remaining three years of program funding.

#### **II. PREVIOUS COMMITTEE ACTION**

This Board Agenda Item was sent to print before the Policy, Research, and Technical Assistance Committee's (PRTA) October 22, 1996 meeting, so no Committee action report was available. Staff will update the Board on PRTA's action at the October Board meeting.

The Policy, Research, and Technical Assistance Committee met on September 10, 1996, to discuss the September 5, 1996, workshop and to provide staff with direction for developing background information and options for consideration of tire program priorities and fund allocations for the remaining three fiscal years of available funding.

### **III. PREVIOUS BOARD ACTION**

The Board has approved tire program activities and fund allocations on an annual basis in the past. The Board recently adopted the 1996 Market Development Plan which includes tires as a priority material. The plan focuses on expansion of the use of waste tires by the cement manufacturing industry and crumb rubber end markets (including rubberized asphalt concrete) as priority actions. The Board adopted, as part of the plan, a diversion goal of 200,000 tons per year of waste tires (or 20 million tires per year in passenger tire equivalents) by the year 2000.

### **IV. BACKGROUND**

#### **A. Past Fund Allocation and Policy Focus**

California is faced with the challenge of responsibly managing approximately 30 million waste tires generated annually, as well as an estimated 30 million stockpiled tires (both legal and illegal). The annual generation number is expected to increase as the state's population grows.

Legislation, enacted in 1989 (AB 1843, Stats. 1989), established the California Tire Recycling Act to oversee the management of waste tires. The Act initiated a tire recycling program to promote and develop markets for used tire products as alternatives to the disposal and stockpiling of used whole tires. The Act allows the BOARD to award grants and loans to businesses and public entities, for projects that result in reduced landfill disposal of used whole tires and reduced illegal disposal or stockpiling of used whole tires. The Act addresses ongoing storage of tires in stockpiles and cleanup of illegal piles; major and minor waste tire facilities and associated permitting requirements are defined, enforcement actions are listed, and civil actions to require cleanup are described. The Board is also charged with responsibility for tire pile stabilization and remediation where public health and safety and the environment may be at risk. Additionally, in 1993, SB 744 (Stats. 1993) enacted the Waste Tire Hauler Registration Program to ensure that waste tires are legally transported to authorized sites. The tire hauler program went into effect on January 1, 1995. All of the programs described in this paragraph are supported by the Tire Recycling Management Fund (Tire Fund).

Revenue for the Tire Fund is currently generated by a fee of \$0.25 per tire that is collected from persons leaving tires for disposal with tire dealers. Monies remitted to the fund are appropriated to the BOARD annually in the Budget Act. This year the Legislature passed AB 2108, which changed the point of fee collection to a fee on the purchase of retail tires. This change goes into effect on January 1, 1997.



Four years of program administration have yielded contracts, grants, loans, waste tire facility permitting, hauler registration, enforcement and cleanup efforts. The Tire Program has achieved significant success when results are compared to the magnitude of the waste tire challenge and the limited resources available. Program endeavors have assisted businesses and local governments, developed technologies and markets, increased BOARD knowledge, increased recycling, stabilized and remediated tire sites, and improved public awareness. Local governments have been directly assisted in their management of local waste tire problems through matching grants for tire cleanup efforts. Californians have benefited from the development and implementation of the Waste Tire Facility Permit Program, Waste Tire Hauler Registration Program and the BOARD's enforcement efforts ensuring that waste tires entering the waste stream are transported responsibly and stored at approved facilities.

Since 1990, the state's tire recycling rate climbed from 34 percent to 60 percent, a 26 percent increase. In 1990, the BOARD estimated that 9.2 million tires were diverted from landfill disposal and stockpiling, compared to 17.6 million tires diverted from the annual waste stream in 1995. This increase satisfies the legislative objective [PRC § 42870(a)] of reducing landfilling and stockpiling of waste tires by 25%.

While this increase in the state's recycling rate is significant, remaining needs are still great. Annual generation of waste tires is increasing at about 2% per year (600,000 tires per year), approximately 10 million tires per year (of the annual flow) are not being recycled, and there are still approximately 30 million stockpiled waste tires which pose a health and safety concern. To further the legislative objective to "recycle and reclaim used tires and used tire components to the greatest extent possible in order to recover valuable natural resources," the Board adopted a diversion goal (for waste tires from the annual flow) of 200,000 tons per year of waste tires by the year 2000 in its 1996 Market Development Plan.

As is evident from Table A below, *Past Tire Fund Expenditures*, the Board's annual fund allocation has shifted in focus over the first four years of program administration from research to business development, to local government assistance, to tire pile stabilization and cleanup. While the focus has shifted over time, each area has remaining needs which can be effectively addressed by the Board's program activities and funding decisions.

**Table A: Past Tire Fund Expenditures (as of 9/15/96)**

Description	FY 90/91	FY 91/92	FY 92/93	FY 93/94	FY 94/95	FY 95/96
Personnel Services	58,845	239,059	228,594	263,698	557,970	682,791
OE&E	171,461	661,150	310,916	523,302	421,523	432,291
BOE Fee Collection	560,000	492,000	471,000	471,000	445,000	445,000
Research		660,000	1,606,877	433,465	350,433	459,977
Business/Market Development		34,728	1,000,000	1,266,535	384,567	338,619
Local Government Assistance			447,115	300,000	657,000	412,744
Permit Program and Cleanup Contracts			430,217	100,000	1,025,000	904,265
<b>TOTAL S</b>	<b>790,306</b>	<b>2,086,937</b>	<b>4,494,719</b>	<b>3,358,000</b>	<b>3,841,493</b>	<b>3,675,687</b>

#### B. Projected Revenues and Estimated Costs

As shown in Table B below, *California Tire Recycling Management Fund*, the total available discretionary funds for FY 96/97 is \$3,436,000; \$8,880,000 for FY 97/98; and \$4,536,000 for FY 98/99. These estimates assume current levels of fixed costs (displayed on the top portion of Table B). While the Board has the discretion to allocate funds based on program objectives, \$500,000 is allocated in the 96/97 budget year (and potentially for future years) for "local assistance" which is generally used for grants to address program needs. The sum of these expected discretionary funds available to meet all statutory responsibilities in the areas of market development, permitting and enforcement, and pile abatement is approximately \$16.8 million for the three-year period.

Currently, the tire program is implemented by 10 positions supported by the Tire Fund under the salaries and wages expenditure category listed in Table B. The breakdown by activity is as follows:

- Waste tire market development program 3 pos.
- Tire hauler registration and manifest program 1 pos.
- Waste tire facility enforcement function 2 pos.
- Waste tire facility permitting and site stabilization and remediation functions 3 pos.
- CEQA review 1 pos.

While the fee collection provisions of law sunset in 1999, the legislative mandates fulfilled by staff work will continue. A dedicated funding source for these staff positions and any

needed contracts or other expenditures (i.e. continued tire pile abatement or other identified needs) will not be available unless the current sunset date is eliminated or extended. Presumably, some level of funding from the Integrated Waste Management Account or other funding source will be needed unless the sunset date is eliminated or extended, or the Board determines that these programs will not be implemented.

**Table B: California Tire Recycling Management Fund (as of 9/15/96)**

	BUDGET ACT APPROPRIATION FY 1996/97	ESTIMATED <sup>1</sup> EXPENDITURES FY 1997/98	ESTIMATED <sup>1</sup> EXPENDITURES FY 1998/99	TOTAL 3 YEAR FUNDING
<b>SALARIES &amp; WAGES</b>	595,000	595,000	595,000	1,785,000
<b>MANDATORY SERVICE CONTRACTS</b>	626,285	626,000	626,000	1,878,285
<b>OE&amp;E</b>	353,000	353,000	353,000	1,059,000
<b>LOAN REPAYMENTS</b>	-116,000	-116,000	-116,000	-348,000
<b>SUBTOTAL</b>	<u>1,458,285</u>	<u>1,458,000</u>	<u>1,458,000</u>	<u>4,374,285</u>
<b><u>Estimated available discretionary Funds to be allocated by the Board</u></b>				
	BUDGET ACT APPROPRIATION FY 1996/97	ESTIMATED <sup>2</sup> FUNDS FY 1997/98	ESTIMATED <sup>2</sup> FUNDS FY 1998/99	TOTAL 3 YEAR FUNDING
<b>STATE OPERATIONS:</b>				
<b>AUTH. DISCRETIONARY FUNDS</b>	2,936,000			2,936,000
<b>EST. DISCRETIONARY FUNDS</b>		3,436,000	3,436,000	6,872,000
<b>AB 2108</b>		1,650,000 <sup>3</sup>	1,100,000	2,750,003
<b>ANTICIPATED CARRY OVER FROM 1995-96</b>		1,250,000		1,250,000
<b>RETURN OF FY 93/94 FUNDS</b>		2,544,000		2,544,000
<b>LOCAL ASSISTANCE</b>	500,000	TBD <sup>4</sup>	TBD <sup>4</sup>	500,000
<b>SUBTOTAL</b>	<u>3,436,000</u>	<u>8,880,000</u>	<u>4,536,000</u>	<u>16,852,000</u>
<b>TOTAL</b>	<b>4,894,285</b>	<b>10,338,000</b>	<b>5,994,000</b>	<b>21,226,285</b>
<sup>1</sup> . Figures shown are expenditure estimates based on current year budget. <sup>2</sup> . Figures shown are revenue estimates. <sup>3</sup> . Includes revenues from 1/97 to 6/97 as well as FY 97/98. <sup>4</sup> . The FY 96/97 Budget identifies \$500,000 in this line item. Future expenditures in this line item will be determined during the future year budget process, and will be allocated from the estimated discretionary funds.				

**C. Issues Raised During Policy Committee Tire Workshop**

On September 5 of this year, the Policy, Research and Technical Assistance Committee conducted a full day workshop to obtain input from a wide range of interested parties concerning their recommendations for tire program priorities and funding allocations. The intent was that this input assist the Committee and the Board in reaching decisions concerning the allocation of program dollars and associated programmatic and policy decisions. The Committee received testimony from a number of industry sectors, from

**Table B: California Tire Recycling Management Fund (as of 9/15/96)**

	BUDGET ACT APPROPRIATION FY 1996/97	ESTIMATED <sup>1</sup> EXPENDITURES FY 1997/98	ESTIMATED <sup>1</sup> EXPENDITURES FY 1998/99	TOTAL 3 YEAR FUNDING
SALARIES & WAGES	595,000	595,000	595,000	1,785,000
MANDATORY SERVICE CONTRACTS	665,285	665,000	665,000	1,995,285
OE&E	353,000	353,000	353,000	1,059,000
LOAN REPAYMENTS	-116,000	-116,000	-116,000	-348,000
<b>SUBTOTAL</b>	<b><u>1,497,285</u></b>	<b><u>1,497,000</u></b>	<b><u>1,497,000</u></b>	<b><u>4,491,285</u></b>
<b><u>Estimated available discretionary Funds to be allocated by the Board</u></b>				
	BUDGET ACT APPROPRIATION FY 1996/97	ESTIMATED <sup>2</sup> FUNDS FY 1997/98	ESTIMATED <sup>2</sup> FUNDS FY 1998/99	TOTAL 3 YEAR FUNDING
<b>STATE OPERATIONS:</b>				
AUTH. DISCRETIONARY FUNDS	2,936,000			2,936,000
EST. DISCRETIONARY FUNDS		3,436,000	3,436,000	6,872,000
AB 2108		1,650,000 <sup>3</sup>	1,100,000	2,750,003
ANTICIPATED CARRY OVER FROM 1995-96		1,250,000		1,250,000
RETURN OF FY 93/94 FUNDS		2,544,000		2,544,000
95/96 CLEAN UP CONTRACT FUNDS		750,000		750,000
<b>LOCAL ASSISTANCE</b>	<b>500,000</b>	<b>TBD<sup>4</sup></b>	<b>TBD<sup>4</sup></b>	<b>500,000</b>
<b>SUBTOTAL</b>	<b><u>3,436,000</u></b>	<b><u>9,630,000</u></b>	<b><u>4,536,000</u></b>	<b><u>17,602,003</u></b>
<b>TOTAL</b>	<b>4,933,285</b>	<b>11,127,000</b>	<b>6,033,000</b>	<b>22,093,288</b>
1. Figures shown are expenditure estimates based on current year budget. 2. Figures shown are revenue estimates. 3. Includes revenues from 1/97 to 6/97 as well as FY 97/98. 4. The FY 96/97 Budget identifies \$500,000 in this line item. Future expenditures in this line item will be determined during the future year budget process, and				

**C. Issues Raised During Policy Committee Tire Workshop**

On September 5 of this year, the Policy, Research and Technical Assistance Committee conducted a full day workshop to obtain input from a wide range of interested parties concerning their recommendations for tire program priorities and funding allocations. The intent was that this input assist the Committee and the Board in reaching decisions concerning the allocation of program dollars and associated programmatic and policy decisions. The Committee received testimony from a number of industry sectors, from

local government representatives, from representatives of environmental organizations and from recognized experts in the field of waste tire management. In the course of the workshop, a number of issues were raised that required further elaboration or clarification. The Committee directed staff to provide additional information on these issues. In response to this request by the Committee, information is provided by staff on the following topics:

1. Overall quantification of waste tire market demand and waste tire disposal.
2. Quantification of the number of tires used in rubberized asphalt concrete (RAC).
3. Methods used to calculate the amount of tires used in rubberized asphalt concrete (RAC).
4. Verification of the potential for coal-fired cogeneration facilities to use waste tires and identification of current barriers to such use.
5. Summary of the status of the Board's two contracts with Caltrans concerning RAC.
6. Evaluation of past tire loan offerings and recommended options for developing a viable loan program for used tire business development.
7. Consideration of an independent proposal submitted by the County of Los Angeles, Department of Public Works and TAK, Inc. to establish a statewide center for the development of asphalt rubber technologies.
8. Description of other states' experience with waste tire abatement programs.
9. Summary of the status of the Board's contract for civil engineering applications using waste tires.
10. Summary and status of the Board's contracts for tire pile abatement.

Staff's additional information on the topics enumerated above follows:

**1. Overall quantification of waste tire market demand and disposal**

Aside from Board staff research, a study conducted by UC Davis (UCD) under contract with the Board is the only other work staff are aware of that addresses the quantification of tires generated in California and looks at the market sectors for tires. The methodologies used by UCD and Board staff for estimating the quantity of tires generated differed. Board staff used a method based on population in the nation and the state, the number of vehicle miles traveled and the amount of vehicle fuel consumed. It has been determined that these indicators have a correlation to the number of used tires generated. Because tire shipment figures are only available for the nation (and not for California specifically), staff estimated the number of used tires generated primarily by population increases and state industry trends and approximations. The UCD study methodology consisted of contacting scrap tire end users to quantify tires based on where the tire's "flow" ends. The quantification by staff, from the Annual Tire Report (ATR), of the number of tires generated is five percent (5%) higher than the number reported by the UCD study. Given the overall uncertainty of the data, due to the lack of a

local government representatives, from representatives of environmental organizations and from recognized experts in the field of waste tire management. In the course of the workshop, a number of issues were raised that required further elaboration or clarification. The Committee directed staff to provide additional information on these issues. In response to this request by the Committee, information is provided by staff on the following topics:

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formal system for tracking used and waste tire shipments, these numbers correlate very well (i.e. within 5%).

With regard to the market sector data, it is difficult to compare the data within the market sectors because the UCD study only uses passenger-tire equivalents (PTE) for reporting diversion/disposal, while the Board's ATR uses actual numbers of tires. Without a breakdown (by size) of actual tire numbers it is very difficult to correlate the numbers in terms of PTE's. However, the quantities for Tire Derived Fuel (TDF) in the ATR are within 5% (higher) of the quantity reported in the UCD study. The actual tire numbers in the ATR correlate well to PTE's because few large tires are used as TDF. In other market sectors the correlation is not close. For example, in the category of disposal, staff estimates that 11.9 million tires were disposed; the UCD study estimates that 18.3 million PTE's were disposed of. Since there is no mechanism to track the disposal of tires, it is hard to determine the accuracy of either set of reported numbers.

Overall, either set of numbers could be used for policy setting purposes given the size of the potential market sectors (i.e., TDF, Crumb Rubber) and their ability to consume large quantities of tires with some additional market development. For TDF, the whole tire is consumed with no residual material to dispose of. For crumb rubber, the residual steel (5-6 lbs/tire) is typically recycled and the fiber (1-2lbs/tire) is recycled or disposed of.

## **2. Quantification of waste tires used in Rubberized Asphalt Concrete (RAC)**

The estimates for the use of RAC vary so greatly because there is no statewide system to quantify the amount of RAC being used by local governments in paving projects. Caltrans does have a system to quantify its RAC use (the reporting lag time is about two years), but since the abolishment of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Caltrans has dropped its requirement that local governments report their use of RAC. The numbers reported to staff by industry are often unsubstantiated. The quantities for RAC in the ATR and the UCD study do not correlate. Staff's estimate is probably too conservative, because it is based on information from Caltrans which tends to be conservative and/or lagging in current information. Staff have not surveyed local governments on their use of RAC. The planned workshops for RAC may be a forum to develop with local governments and industry a mechanism for reporting RAC use.

Another barrier to obtaining accurate quantification of the use of tires in RAC is the use of tire buffings as a crumb rubber product. It is estimated that one-half of the crumb rubber used in the state is from tire buffings (UCD report, page I-3). If the crumb rubber supplier does not inform the RAC user as to whether (or in what percentage) the crumb rubber supplied is from whole tire rubber, the quantity of tires used in RAC will be inaccurate, when reported. Board staff will continue to



investigate methods to verify quantities of tires used in RAC projects. Also, the amount of rubber (tires) used in a RAC project varies, below is a sample method of calculating the number of tires used in a RAC project.

**3. Method to calculate amount of tires in rubberized asphalt concrete (RAC)**

**Variables:**

Amt. of Rubber in Binder (15-25% by weight)  
Amt. of Binder in Asphalt Concrete Mix (5-10% by weight)  
Amt. of Rubber recovered per tire (10-12 lbs/tire)

Amt. of tires per ton of RAC = (Amt. Rubber in Binder) X (Amt. Binder in RAC)  
X (2000 lbs/ton RAC) ÷ (Amt. Rubber per tire)

**Example:**

Amt. of Rubber in Binder = 20%  
Amt. of Binder in Asphalt Concrete Mix = 7.5%  
Amt. of Rubber recovered per tire = 12 lbs/tire

Amt. of tires per ton of RAC =  $(0.20) \times (0.075) \times (2000) \div (12) = 2.5$  tires used per ton RAC

**Note:** Due to the variability of the parameters as described above, the amount of tires used per ton of RAC can vary from 1.25-5.

Two issues in determining the potential market for RAC are quantifying the amount of asphalt concrete (AC) placed in the state and what percentage of this total will be RAC. Estimates for total AC range from 20 million tons per year (5 million by Caltrans, 15 million by local governments) to 50 million tons per year (5 million by Caltrans, 45 million by local governments). The Caltrans number is probably accurate given that Caltrans has a formal quantification system. The local government quantity is unknown because there is no statewide quantification system. BOARD staff has used the 20 million tons per year when making projections/estimates for market development purposes, as it is more conservative. For the percentage of AC that will be RAC, staff has estimated that Caltrans and local governments will use RAC at 10% of total AC (two million tons/year of RAC = 2.5-10 million tires/year) over the next three years. This is a conservative estimate and staff will continue to refine the actual RAC use numbers as we determine ways to obtain more accurate information from local governments.

4. **Verify potential for coal-fired cogeneration facilities to use waste tires and identify current barriers to their use**

Staff contacted two of the coal-fired cogeneration facilities in the state to verify the quantities of waste tires they could use. It appears that the quantities mentioned in testimony provided at the Committee's workshop are achievable. At the workshop, information was provided indicating that if the six California facilities were to use waste tires for 10% of their fuel (coal) needs, they could use 7.6 million tires/year. The Market Status Report for tires will be updated to reflect this potential market.

Staff assume that barriers to the use of tires as a fuel in coal-fired cogeneration facilities may include lack of information and analysis on potential air emissions, and public-perception barriers similar to those encountered with the use of tires as fuel by cement kilns.

5. **Summarize the status of the Board's two Caltrans RAC contracts**

The Board has entered into two interagency agreements with Caltrans to support the increased use of RAC in the state. The amount, purpose and results of these agreements are described below.

*a. IWM-C1062 (FY 91/92), \$500,000:* This agreement provided for the purchase of one dynamic shear rheometer and one Universal Testing Machine (UTM) (\$300,000 total) to perform tests on rubberized asphalt concrete (RAC) with the intent of finding material properties that would lead to developing specifications for use. The agreement also required Caltrans to perform testing to characterize air emissions from RAC materials in the field. The air emissions testing (\$175,000) was supposed to be for one or more RAC projects. **Results:** The equipment was purchased and installed at Caltrans' HQ lab. Some testing was performed with the rheometer, but the Board has not yet received official Caltrans test result reports. Minimal testing has occurred with the UTM (due to delayed delivery and setup at Caltrans). According to Caltrans' staff, they have performed air emissions testing that is "equivalent" to what was called for in this agreement. No proof that testing was performed, nor testing results, have yet been received by Board staff. Caltrans was to assume ownership of the equipment before 7/1/94. Discussions have been held, but no agreement has been reached regarding the value or form of reimbursement.

*b. IWM-C2051 (FY 92/93), \$500,000:* The purpose of this interagency agreement was to demonstrate the use of rubberized asphalt in maintenance applications. **Results:** Twelve different rubberized asphalt and three polymer maintenance strategies, each one-half mile in length (7.5 miles total) were placed.

Project reports will be submitted biennially until 2009. This agreement is complete pending future reports (next report due in 1997).

**6. Provide an evaluation of past loan offerings and options for developing and marketing a viable loan program for waste tire business development**

A number of shortcomings have been identified with past Board tire loan offerings. Identified problem areas have included the short notice of loan funds available, the highly competitive nature of the loan offerings, the low total amount of funds available, a lack of focus on eligibility requirements, and perhaps inappropriate loan amounts and types of assistance offered for the types of projects/businesses being targeted. This section of the analysis seeks to describe the nature of past Board tire loan offerings and to offer suggestions for developing a more viable loan program.

**a. Background:** The Board has offered loan funds through two programs: the RMDZ Loan Program, and the Tire Recycling Loan Program. The offerings differed in several areas including eligibility, funds available, and application period.

The RMDZ Loan Program is an existing loan program available to recycling businesses siting in any of the 40 zones. Although tire recycling businesses applying are eligible for RMDZ loan funds, revenue from the California Tire Recycling Management Fund (Tire Fund) has been used to augment the RMDZ Loan Program when tire recycling businesses were likely to receive a loan.

The RMDZ Loan Program does not provide loan offerings, rather it works with the framework of the RMDZ program for obtaining loan applicants. The Loan Program is doing direct marketing of its loans, however, that marketing strategy was developed from the commodity priorities established by the Board in its establishment of the *Market Development Plan*. The Board may want to direct the tire loan program to "target" specific types of businesses, then develop a marketing strategy similar to that developed by the RMDZ Program which 1) identifies (lists) the businesses, 2) informs those businesses of the tire loan program, and 3) follows up with a phone call to those businesses concerning the availability of the program and its requirements.

The programmatic objectives established for the tire funds will provide a lead for establishing policies in these areas. The RMDZ loan program is currently working on two white papers to address these same kinds of questions. The Board's RMDZ loan program has been operating on the premise that its primary objective is "market development", not economic development. The difference being that economic development focuses on the creation of jobs and investment in the target community and the resultant increase in tax bases (property tax, sales tax, business taxes and income taxes). The level of acceptable risk can be high for these

programs as the payoff in local and state revenues is high. Thus economic development programs can also target small businesses.

The RMDZ loan program has a different objective. It is trying to create increased markets (sustainable markets) that consume recycled feedstock (high levels) to obtain AB 939 goals. It is the program's goal to account for as much diversion as possible in the shortest possible time (the year 2000), and to provide permanent market places for these feedstock. Therefore small businesses (that divert small amounts of recycled goods and have a 90% failure rate) are not a high priority, nor are startup businesses (that have an 85% failure rate). That is not to say that startup businesses are turned away, as the Board has funded loans to both types of businesses. Rather the RMDZ Loan Program's marketing strategy does not target either of these business types, as it would not provide a successful basis for achieving the program's overall goals.

Each March the RMDZ Loan Program adopts lending priorities. All of the program's efforts are then focused on those priorities, including our marketing efforts to attract loan applicants. It would appear that the tire program might wish to establish provisions for adopting such priorities. The process the RMDZ Loan Program follows involves obtaining as much input as possible, from as many parties as is practical, then presenting recommended priorities to the Market Development Committee and the Board for adoption. Everything else is then structured around those priority objectives. It is within that framework that questions concerning acceptable levels of risk, levels of collateral, etc. must be addressed.

***b. Loans to Tire Recycling Businesses***

i) **Tigon Industries Loan:** \$500,000 was approved in 1993 for establishing a startup crumb rubber facility. The principals involved with Tigon purchased the wrong equipment which limited the market they could access. They miscalculated both the time and cost of becoming operational, and the accessibility of the crumb rubber market. As a result, Tigon ran into financial difficulties and the BOARD is pursuing repayment of this loan.

ii) **Parco Recycling of California, Inc. Loan:** \$1,000,000 was approved in 1995 for establishing a startup crumb rubber facility. Parco is a subsidiary of a large, well-established, out-of-state tobacco company. Parco represented a horizontal diversification of the parent company. The company chose to expand in an area where they had experience operating similar types of equipment and production operations (tobacco shredding versus tire shredding). The company also sought and obtained crumb rubber contracts prior to startup. As a result, Parco has been performing well in the market place.

In total, the RMDZ Loan Program has received ten applications for tire-related projects (8 crumb rubber facilities, 1 retreader, and 1 rubber mat manufacturer). Four (4) loans were approved: two (2) were funded and two (2) were withdrawn by the applicants after approval.

The Tire Recycling Loan Program was developed in a short period of time in FY 1995-96. Tire Fund revenue was made available state-wide for loans to tire recycling businesses. However, limited funding was available and there was a very short application period. The RMDZ Loan Program's financial criteria were used to supplement the existing technical criteria from the Tire Program.

In this first loan offering, six (6) applications were received by the final filing date and time. Two (2) applications were disqualified for failure to meet the minimum eligibility requirements and two (2) applications failed to receive the minimum score required. The remaining two (2) applicants received passing technical scores, but withdrew their applications after not being recommended for funding for other reasons. Funds that were allocated for loans augmented the grant program.

*c. Evaluation:* Several factors have made loan offerings to tire recycling businesses problematic, including the relative youth of the industry and the high-risk, startup businesses within it, and underdeveloped markets for products or feedstock applicants propose to manufacture with loan-funded equipment. The loan offering made by the Tire Recycling Loan Program may also have been discouraging due to the limited funds available, short application period, and possibly the applicants confusion in interpreting the technical criteria used for evaluation.

Due to the newness of the tire recycling industry, and the high turn-over rate of businesses, many of the oldest businesses in it are still relatively young. Many companies are barely out of the startup stage, and more people are forming new businesses every day. Often, business decisions are made based on misperceptions, or a lack of understanding of the industry and its markets. For these reasons, loan offerings to this industry are generally high-risk.

Many businesses entering this industry hope to "cash-in" on what they think is a lucrative crumb rubber market. What many businesses fail to realize is that the market for crumb rubber is still underdeveloped, and that imported crumb rubber is often cheaper than what can be produced in California due to subsidies. If a business gets a loan for a crumb rubber plant, they may not make enough revenue to stay in business, let alone repay the loan.

The loan offering from the Tire Recycling Loan Program in FY 1995-96 was problematic because of the limited amount of funds available and the short application period specified. Because of the limited revenue available in the Tire

Fund only \$600,000 was available for loans. Potential applicants may have thought the funds not worth their time, too competitive, or insufficient for their needs. The short application period and technical criteria may also have discouraged potential applicants from risking their time and submitting a hastily-prepared application.

*d. Options:* An option for making a loan program more viable for business development in the tire recycling industry would be to restrict loan offerings to established businesses for commercialization and manufacturing of products made from crumb rubber. This would ensure that only low-risk, viable businesses with a business track record would be eligible. Loans to these types of businesses would also stimulate the demand for crumb rubber, rather than the supply of it.

**7. Consideration of an independent proposal submitted by the County of Los Angeles, Department of Public Works and TAK, Inc. to establish a statewide center for the development of asphalt rubber technologies**

This concept was raised in a comment letter submitted to the Board and was proposed as a cooperative effort between the County of Los Angeles, Department of Public Works, and TAK, Inc. The stated objective of the center is to provide permanent solutions for scrap tire management through the use of rubberized asphalt pavements and slurry seals. While this proposal was not solicited by the Board, several of its components are worthy of consideration as viable options (similar to many of the suggestions made at the September tire workshop) to assist in market development efforts. These components have been incorporated as specific options for the Board's consideration in the sections of this item which present options and staff's recommendations.

**8. Summary of other states' tire pile abatement programs**

Committee members requested information concerning other states' tire pile abatement programs and in particular concerning how such programs link tires from cleanups with end uses. Staff requested that Mr. Terry Grey provide information on these matters for the Committee and Board. Mr. Grey's description of selected state cleanup programs and his analysis of factors which led to success or difficulties within such programs is provided as **Attachment 1** to this item.

**9. Summary of the Status of the Board's Contract for Civil Engineering Applications Using Waste Tires**

The Committee requested that staff provide a status report on the civil engineering applications contract entered into by the Board in June of this year. The contract is for \$245,000 with GeoSyntec Consultants and staff is in the process of working with the contractor to compile a list of possible civil engineering projects that may

be considered under this contract. In addition, staff is obtaining information from the tire Scrap Tire Management Council (Michael Blumenthal) that has been compiled on civil engineering projects.

#### **10. Summary and Status of the Board's Contracts for Tire Pile Abatement**

Committee members requested updated information on the status of the Board's existing tire pile abatement program. The Board authorized 1994/95 fiscal year funding in the amount of \$800,000 for the Waste Tire Stabilization and Abatement Program. An additional \$750,000 was approved by the Board for fiscal year 1995/96.

Six waste tire sites were cleaned up by the responsible party/property owner after BOARD approved funding for cleanup. These sites totaled an estimated 251,000 tires cleaned up. The property owner of another waste tire site approved for funding containing 75,000 tires has submitted a removal plan to the Board showing intention to remediate the site.

Within the last month, two waste sites were cleaned up by the Board's contractor (Sukut Construction) under the 94/95 contract. Approximately 70,000 waste tires were removed from the two sites. An additional 5,000 waste tires were removed from a waste tire site which the Board had approved for cleanup funding but which caught fire prior to the scheduled cleanup.

Staff is pursuing property access for the remaining six waste tire sites which have already been approved for cleanup funding by the Board. In addition, three large waste tire sites have been approved for stabilization measures. The stabilization measures are designed to prevent grass fires from igniting the waste tires and fencing the site to prevent additional waste tires from being deposited. Staff are awaiting property access authorization before this work can begin.

**Attachment 2** shows the remaining Rank 1, Rank 2 and Rank 3 sites requiring cleanup or stabilization.

### **V. PROGRAMMATIC OPTIONS**

A number of programmatic options for how to allocate remaining discretionary program funds were derived from the Policy, Research and Technical Assistance Committee workshop held September 5, 1996, subsequent Committee discussion, input provided by interested parties, and discussions by the Board's internal tire working group and Board member offices. The options are organized under the following headings:

- Permitting/Enforcement
- Tire Pile Stabilization and Remediation

- Market Development
- Legislative Changes

**A. Options for Permitting/Enforcement**

1. Provide grants to the California Highway Patrol to lend greater enforcement of the waste tire hauler and manifest program.

This option would be to provide grant funding or to enter into an interagency agreement for a coordinated program between traffic and peace officers and the Board. This program would include: (1) training of traffic and peace officers in statutory and regulatory requirements of the program; (2) development and implementation of computer database(s) for traffic and peace officers; and (3) performance of data entry and reporting tasks.

The intent would be that the waste tire hauler registration program become part of the annual training of California Highway Patrol Officers and local enforcement officers. Additionally, the option would include development, testing, and implementation of a database program of the Board's registration information so it can be accessed by traffic and peace officers, and citation information can be accessed by the Board. Start-up costs for the training and database would be funded the first year. Follow-up costs for ongoing implementation would be funded the following two years.

2. Provide grants to Local Enforcement Agencies (LEAs) or other appropriate local agencies to participate in a pilot program that would delegate permitting, inspection and enforcement of waste tire sites to the local level. Board staff would train local governments in health and safety issues of waste tire sites and the technical standards required for waste tire sites, and would providing ongoing support and technical assistance to grant recipients. These grants could be precursors for delegation decisions to the local level for waste tire site activities. Criteria would be established to ensure that those jurisdictions with the most significant waste tire management challenges were offered initial grant funding. Through these grants the state's current ability to inspect and pursue enforcement against illegal sites would be significantly multiplied (currently two Board staff positions provide this function statewide).

3. Develop an Interagency Agreement with the Department of Motor Vehicles to assist in identifying unregistered waste tire haulers from reported license number

Provisions of current law allow a tire processor to accept waste tires that are delivered without a manifest, if the processor reports the name of the waste tire hauler and the vehicle license number to the Board. It is then intended that the Board follow up with the registered owner of the vehicle, to apprise the owner of the waste tire hauler registration and manifest program requirements. Currently,



hundreds of vehicle license numbers have been reported, but the staff have been unable to locate the vehicle owners. The Board and DMV would be aided by using these funds for locating the registered owners of the reported vehicles.

4. Develop a manifest and tracking database program to track the destinations and number of tires going to disposal and end uses in California, as well as assuring that the waste tires are ending up in approved facilities.

5. Develop a recognition/awards program for tire dealers and others.

This option would be to develop, with the assistance of a contract, a recognition/awards program for tire dealers that use registered haulers and whose tires are sent to approved facilities or end uses. The concept is that this be similar in nature to the Board's current 'WRAP' program in the sense that criteria would be developed for recipients of the recognition and that some form of annual recognition would be provided to those companies that met the criteria. The intent is that this program provide a positive incentive to ensure that used tires are managed responsibly. It could also be a tool for providing information and education for tire dealers of the requirements of the law as regards used tire management.

#### **B. Options for Tire Pile Stabilization and Remediation**

1. State-Directed Clean-Up -- this option would provide for a contract (or contracts) for the stabilization or remediation of tire sites based upon the current list of legacy piles in the state, similar to the current cleanup contracts which the Board has entered into. Given the size of the state and the distance between sites, the Board may wish to enter into contracts with firms which are at different locations in the state to minimize transportation costs. The amount of funding which is allocated to such cleanup contracts will determine how far down the list of Rank 1 sites the dollars will reach (such factors as whether responsible parties pursue cleanup on their own will also affect the overall impact of funding allocations for cleanup). Additionally, the Board may wish to provide for public education in connection with these contracts to provide for localized information to be provided about illegal disposal in localities where state dollars have been spent.

2. Financial Assistance to Local Government for Local Clean-Up -- this option would provide for may wish to target rank 1, 2 and/or rank 3 sites on the current legacy pile list. The Board may also wish to consider whether to provide matching grants for litter abatement programs directed at tires or for amnesty days type programs. Additionally, the Board may wish to require that any matching grant recipient commit to public education efforts about illegal disposal and to ongoing enforcement efforts to deter recurring illegal dumping in areas that have been cleaned up. The intent of this option would be to maximize the ability of state

funds to remediate tire pile sites by offering a matching grant program where jurisdictions could seek funding assistance for sites of importance to them.

3. Private Directed Clean-Up -- this option would provide for low-interest loans to owners or operators of sites to remediate or stabilize legacy sites that do not meet the state storage standards, regardless of their permit status (i.e., have no permit, in the process of being permitted, or already have a permit). A related option (which will be discussed further under 'additional policy considerations') would be to provide grants, matching grants, or reimbursement to assist property owners for the clean-up of their legacy piles. Under such an option, the state could clean-up privately owned sites (with the contract or grant administration provided by the state) with the provision that the property owner never allow tires to accumulate on their property again (in the form of a legal agreement with financial repercussions in the event of default). Repercussions might include charging against assets for both the first and second cleanups as well as a fine.

4. Establishment of an emergency cleanup fund -- this option would be to set funds aside, on an annual basis, to provide the Board with ability to quickly respond to emergency situations which arise related to tire pile sites. The two recent tire pile fires are examples of situations where funding may be needed to assist a local agency in responding to a situation and there is not time to bring a formal request to the Board for funding. Criteria and limits could be developed for the use of such funds and it is proposed that the Executive Director would report any emergency fund activities to the Board on an as needed basis.

5. Establishment of a funding mechanism for other priority site issues -- this option would be to provide the Board with a mechanism for setting funds aside to address priority sites which may not fall within the scope of the Board's cleanup contract mechanisms. An example would be to provide funding for the proposals the Board has received to address eliminating the Oxford waste tire facility through arrangements with the adjacent Energy TDF facility (Modesto Energy Limited Partnership). Some aspects of the particulars regarding these proposals will be described further under the section of this item entitled "*Other Policy Considerations*". In addition, there may be other sites where this option may provide the Board with increased flexibility to respond on a case-by-case basis.

6. Extend the interagency agreement with the State Fire Marshal's Office to update the State Fire Marshal's Tire Fire Curriculum based on current information regarding prevention and suppression of waste tire fires and advanced methods for delivering the program. The State Fire Marshal would:

- i) Revise the tire fire manual based on input from subject matter experts;
- ii) Reprint the tire fire manual;

- iii) Prepare a multimedia presentation on CD ROM for trainers to accompany the present tire fire video (the current training program uses slides and overheads); and,
- iv) Provide two training classes for trainers (one in the North and the other in the South) using the new training material.

### C. Options for Market Development

**Attachment 2, "Market Development Options -- Policy and Programmatic Decision Tool"** is provided to display market development options by key industrial sectors.

1. Rubberized Asphalt Concrete (RAC) -- a number of options were presented at the workshop and through other input for increasing the use of RAC. The following section seeks to summarize that input in one option with a number of related components.

This option would be to specify a level of funding that would be available for low-interest loans to local governments for infrastructure development/improvements. Specifically, this loan component would target use of RAC for locally maintained roads. The loan program would be tied to an assistance package which can be offered either competitively (RFP/RFQ process) or as a sole source contract if an expert entity offering these services exists. (This option could also be modified to provide for matching grants for RAC in local road projects, rather than the low-interest loans). The loan program/special services package are described in more detail below:

**Loan Component:** Funds (potentially \$500,000 first year, increasing funds in future years if successful) would be made available as loans to local government entities to support installation of RAC. The interest rate for these loans is proposed to be set at the rate offered by the Pooled Money Investment Fund. The options available to the Board under this proposal include targeting funds for the difference in costs associated with traditional pavement projects as compared to those using RAC.

**Special Services Package:** The Board could make available, through subsequent agreement, an array of services to successful loan applicants regarding the application of RAC. These services could include:

- Consultation with public agencies and their contractors regarding proper construction procedures for asphalt rubber;
- Consultation with public agencies, on as as-needed basis, to address problems/concerns with asphalt rubber;
- Outreach training programs to public agencies and their contractors; and,

-- Hands-on training in the field on asphalt rubber construction techniques and in the laboratory on the use and application of new testing methods for asphalt rubber.

2. Rubber Products using Crumb Rubber from Waste Tires -- this section seeks to summarize input concerning options for increasing use of crumb rubber in various products.

As an option, grants could be provided to local governments to fund the increased cost of using recycled content products such as mats containing crumb rubber vs. mats made from virgin rubber or soil amendment products.

Another option would be to seek to increase demand for crumb rubber and encourage market growth by assisting end-users with product development and commercialization through matching grants or loans. Assistance could be provided for many types of end uses or be limited to several with the greatest diversion potential as determined by the Board. As discussed earlier in the analysis portion of this item, an option for making a loan program more viable for business development in the tire recycling industry may be to restrict loan offerings to established businesses for commercialization and manufacturing of products made from crumb rubber. This would ensure that only low-risk, viable businesses with a business track record would be eligible. Loans to these types of businesses would also stimulate the demand for crumb rubber, rather than the supply of it. Loans could be actively marketed using strategies identified as successful by the RMDZ program. (In any grant or loan program supporting market development objectives, the Board may wish to consider whether to require that fund recipients obtain some percentage of their feedstock from abated tire piles.)

The Board could provide technical assistance to crumb rubber producers and end users through contracts which develop and promote standard industry specifications for all end users and markets.

Another option would be to assist market development of recycled-content products with a contract for development and promotion of a "Buy-Recycled" campaign specifically targeting products manufactured with used tires.

3. Products using Devulcanized Rubber from Waste Tires -- An option in this regard would be to provide grants for product testing or loans for equipment purchase to businesses using devulcanized rubber in molded products.

4. Civil Engineering Applications Using Waste Tires -- As described earlier in the analysis section of this item, the Board recently (June 1996) entered into a \$245,000 contract dealing with civil engineering applications for waste tires. As options, the Committee/Board may wish to consider whether to increase available contract dollars for this purpose at this time, or whether to wait until the next fiscal

year pending some outcome/results of the work to be done under the 1995/96 fiscal year contract.

5. Pyrolysis -- The Board may wish to consider providing matching grants or low-interest loans for facility development and operation.

6. Cement Kilns -- The Board may wish to consider continuing the emissions testing work begun in FY 95/96 and also whether there are other ways in which the Board might assist cement kilns in overcoming existing barriers to the use of tires as fuel (permitting issues, NIMBYism, etc.). The development of public education materials and formal policy support from the Board for the use of tires as fuel in cement kilns are some ways in which this agency might be of assistance.

7. Coal-Fired Cogeneration Facilities -- The Board may wish to consider contracts for combustion and emissions testing similar to what is currently underway for cement kiln use of tires as fuel. In addition, the public education and policy support mentioned above as regards cement kiln use of tires may be applicable here as well.

8. Biomass Facilities -- As with the two previous options, the Board may wish to consider whether to provide assistance through contracts for combustion and emissions testing, as well as public education and policy support.

**D. Options For Legislative Change**

1. The Committee/Board may wish to consider seeking legislation to amend the repeal date of January 1, 2000, for the financial provisions of the Tire Recycling Management Fund. Current law provides that the fee for the Tire Recycling Management Fund will end on January 1, 2000, while the programmatic mandates continue. If this sunset date is not modified, the Board will need to find other funding sources to continue the market development, permitting, remediation, and waste tire hauler registration programs.

2. The Committee/Board may wish to consider seeking legislation to increase the percentage amount (administrative cap) the Board can spend on administrative activities related to the tire programs. Current law contains limitations of 5% for administrative costs and 3% for collection costs to manage the Board's tire programs. These caps were originally contemplated when the draft legislation would have set the fee at a \$1.00 per tire level -- they are not reflective of the current funding levels and programmatic responsibilities.

3. The Committee/Board may wish to consider seeking legislation to increase the amount of the Tire Fund fee from \$.25 per tire to \$1.00 per tire (or some other amount as determined by the Board). The original drafting of AB 1843 placed a fee of \$1.00 on the sale of each tire, in concert with programs from other states

that have a similar or lesser tire problem. During negotiations, the fee was reduced to \$.25 per tire, and moved to the point of tire return, instead of at the sale. Any increase could give the Board far more latitude to address legacy and other tire piles, as well as market infrastructure needs.

4. The Committee/Board may wish to consider seeking legislation to authorize the BOARD to accept financial arrangements other than a \$10,000 bond accompanying applications for waste tire hauler registrations. This surety bond (costing \$100-\$200 annually) is intended to cover the cost of clean-up in the event of illegal disposal by the hauler, instead of the local government or the state absorbing the cost. While the bond provides a financial security net, it may also impede some hauler registration and thus further compliance with legal disposal due to lack of hauler resources. The intent of the legislative change would be to provide financial responsibility alternatives to registered waste tire haulers.

5. The Committee/Board may wish to consider seeking legislative to modify the statutory criteria which currently govern grants programs using tire funds. Some of the current statutory criteria have been found to be unduly restrictive given the diverse purposes of potential grant programs using tire funds.

6. As suggested by witnesses at the September tire workshop, the Committee/Board may wish to consider seeking legislation to ban the disposal of tires in landfills. A number of perspectives supporting and opposing such legislative change were presented at the workshop.

## **VI. ADDITIONAL POLICY OPTIONS/CONSIDERATIONS**

In addition to addressing program priorities and funding allocations, the BOARD may wish to consider the following issues which have also been raised in the context of the September tire workshop and related input:

### **A. Property Owner Reimbursement**

As raised in testimony at the Committee workshop, the Committee may wish to consider establishing a policy as to whether the State should reimburse property owners who undertake cleanup of sites which pose a significant health and safety or environmental threat who did not cause or contribute to the waste tire pile, who did nothing to make the problem worse in terms of exacerbating its presence, and where there was not a direct or indirect contractual relationship with the third party who caused the problem.

An additional condition that the tires not have been present at the time of the purchase of the property may be included to narrow the field of possible reimbursement recipients or state-funded clean-up assistance. As described in the workshop testimony, such provisions may be similar to US EPA Superfund

statutory provisions (where the burden of proof is on the landowner to establish innocence and which includes due diligence to discover the presence of the hazard at the time of purchase of the property, and that no contractual relationship existed with the party that caused the hazard).

Board statutes and regulations do not provide for this kind of reimbursement. In contemplating such a reimbursement policy, the Committee/Board may wish to consider the statewide implications on the fund in terms of reimbursement requests which may displace other cleanup priorities. The Board may also wish to discuss the potential such a policy may have of lessening the state's ability to use current enforcement and cost recovery tools to compel responsibility parties (land owners) to remediate their sites. It may also prove difficult to establish which landowners are 'innocent' landowners, and which had some degree of knowledge or direct involvement but are simply unable to financially effectuate cleanup of their property (and would therefore be seeking state funding were it available to them without threat of cost recovery). Should the Committee/Board support establishment of a reimbursement policy for some responsible parties, it may be appropriate to discuss whether such reimbursement should occur with remaining funds after all other sites have been abated, or whether such reimbursement should be considered on an ongoing or as-needed basis. If a reimbursement policy is recommended, the Board may want to direct staff to develop guidelines on the amount of reimbursement (i.e., on a per tire basis); and to develop a procedure and justification to request reimbursement.

**B. Oxford Tire/MELP Proposals**

The Board has received proposals from interested parties (Oxford Tire Recycling Inc. and Modesto Energy Limited Partnership, OTR and MELP, respectively) to utilize state tire funds to accelerate the elimination of the OTR tire stockpile in Westley, California. The Committee/Board may wish to consider these specific proposals as well as the policy implications and potential statewide ramifications of expending state dollars at sites (permitted or otherwise) where there is a clearly identified responsible party or parties. In this section staff seeks to summarize the two proposals and presents a number of staff thoughts as to additional possible options to address the current situation.

Background: At the March, 1996 meeting of the Board, OTR was granted a Major Waste Tire Facility Permit for their stockpile of waste tires in Westley, CA. Among the permit conditions, is a schedule for the removal of all the waste tires (approximately 72,000 tons) from the Westley stockpile prior to March 31, 2000. The financial assurance demonstrations provided by OTR are based on the current cost to burn the waste tires at the MELP facility. These current costs expire at the end of September, 1997 due to the expiration of the current energy contracts under which the MELP facility is operating.

OTR/MELP proposals: In July of this year, OTR and MELP both submitted independent proposals to the Board regarding accelerated abatement of the stockpile of waste tires. Both proposals request the Board to pay the fee for MELP to burn the waste tires, and for the stockpile to be exclusive source of tires. OTR's proposal is unclear regarding the cost of the movement of tires to MELP's delivery area (which can be costly). MELP's proposal identifies these costs and provides for them (costs of the movement of tires to the delivery area). Both proposals seek the use of state tire funds to pay MELP to burn the stockpiled tires and do not specify any responsibility for repayment of these funds.

Other thoughts: In reviewing these proposals, staff have developed an alternative approach. This proposal is termed the 'cost recovery' proposal and is intended to maintain the Board's ability to seek cost recovery, abate the maximum number of waste tires during this current 'window' of time when favorable utility rates are still in place, and specify that all three parties (OTR, MELP, BOARD) enter into a legally binding contract which clearly specifies costs and responsibilities of each party.

As a final note, regardless of which proposal or action is considered by the Board, additional analysis is needed of all of these proposals, as well as legal review. Another consideration for the Committee/Board is the potential impact of any decisions regarding state funding for abatement of the OTR stockpile on other stockpile abatement issues in the state. Recognizing that there are unique conditions surrounding the OTR stockpile (i.e. the proximity of MELP and the current favorable costs to burn tires at the facility), other owners/operators of permitted or unpermitted stockpiles may feel it is appropriate for them to seek similar assistance from state funding sources.

### C. End Use Requirements

The issue of end use requirements for tires removed from stockpiles in the state may merit further policy consideration by the Committee/Board. By way of background, the Board's 1994/95 contract for tire pile abatement does not include any specific end use requirements for abated tires. The 1995/96 cleanup contract's scope of work does specifically require that tires from cleanup efforts be sent to an end user wherever feasible and that the feasibility determination is to be made on a case-by-case basis. To date, no specific Board direction has been provided concerning what level of increased costs is acceptable when considering an end use for cleanup-derived tires as opposed to land disposal for such tires.

It may be appropriate to consider some limits on the additional costs that should be incurred in pursuing end use for tires remediated with state funds. One option may be to require any Board cleanup contracts to seek bids for end uses within proximity to a project and be required to utilize an end use if the cost is not 10% greater than land disposal. This is one suggested way to limit the open-endedness



of the end use requirement and the potential it may have to greatly reduce the state's ability to remediate sites in the state (by spending more per site than would otherwise be the case). This may also tend to increase competitiveness amongst end users if there is a demand for these tires (i.e. they would have an incentive to submit lower bids if they wanted the tires). Some limits on the additional cost imposed by end user requirements may also better balance the dual objectives of the Board's tire programs -- by this staff means that the overall objective of the cleanup program is to eliminate public nuisances and thereby protect public health & safety and the environment (unduly limiting the ability of state funds to address these issues may impact the Board's ability to effectively pursue this objective on a statewide basis).

Additional issues for Committee/Board consideration of the end use issue for remediated tires are found in Mr. Grey's discussion of other state's remediation programs which can be found as Attachment 1 to this item. Among other points, this paper notes that in Mr. Grey's opinion, current markets in California may not be adequately developed to accommodate cleanup-derived tires without displacing tires currently being taken from the annual flow of waste tires. He therefore states that it may be appropriate for the state to have limited end use requirements at this point in time, and that any such requirements should be revisited frequently to determine if they are optimally supportive of current market conditions and capabilities.

**D. Use of Tires as Fuel in Cement Kilns**

As discussed earlier in the Market Development options section of this item, the Committee/Board may wish to consider formal adoption of a policy to actively support the use of tires as fuel in cement kilns. Additionally, the Committee/Board may wish to consider ways to disseminate such information and to use such information as a public information/education tool in support of TDF use at cement kilns and potentially other facilities which may be potential markets for tires as fuel.

**E. Advisory Committee**

The Committee/Board may wish to consider the establishment of an advisory committee to provide periodic input and thereby guide the Board's various tire-funded programs. Given the increasing complexity of these programs, such a committee of outside experts and interested parties may prove a valuable resource as the Board seeks to make optimum use of available funds in pursuit of the program's multiple mandated objectives. Such a committee could meet quarterly or at the frequency determined to be needed, to provide ongoing perspectives on program implementation and thereby provide an enhancement over the current process of seeking broad input on an annual basis to guide fund allocation decisions.

## VII. OPTIONS FOR THE BOARD

1. Adopt the staff recommendation below.
2. Adopt the staff recommendation or pose additional options.
3. Direct staff to develop the identified options further or to develop additional options for consideration by the Board at a future meeting.

## VIII. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 1.

### Option 1:

The staff recommendation for three-year funding for Board tire-funded activities is contained in the following chart. While staff is suggesting an approach to funding allocations for the remaining three years of program funding, a number of outstanding issues remain for fiscal years 97/98 and 98/99. Specifically, staff is not proposing additional business development grants or civil engineering contract funds in the current fiscal year as results of prior year allocations are not yet available to guide decisionmaking. Staff believe that a thorough evaluation is needed of past grant offering before further business development grant funds are offered -- staff would propose to have that evaluation available to further refine recommendations for FY 97-98 and 98-99 funding levels. Staff recommend that any future grants offerings be very specifically targeted to areas determined through the evaluation and other input to have the greatest potential impact (such as specific crumb rubber end users, as an example).

Note that staff is proposing a loan program for local government installation of RAC; the success of this program following the initial implementation year (if sanctioned by the Board) would assist in determining future years' appropriate funding levels. These determinations will also assist in determining whether in future years the Board wishes to allocate loan or grant funds targeting other market sectors and/or to additional research needs in support of RAC and/or other crumb rubber end uses.

In the areas of Permitting/Enforcement, an evaluation will be needed of the success of any new LEA (or other local agency) grant program to further inspection/enforcement objectives. The results of such an evaluation would assist in determining appropriate future year funding levels for local agency grants (if this option is approved by the Board for implementation). One area where staff would suggest that flexible three-year funding may be most appropriate is in the area of tire pile abatement and emergency funding for tire pile response issues. In this area, the Board may wish to consider contracting mechanisms that would enable a continuous flow of funding over the remaining three years of current program funding so that cleanup delivery is uninterrupted.

**TABLE C: Three Year Funding Recommendations**

FY 96/97		FY 97/98		FY 98/99	
Available Funding: \$3,436,000		Available Funding: \$8,880,000		Available Funding: \$4,536,000	
Recommended Option	Dollars	Recommended Option	Dollars	Recommended Option	Dollars
<b>Permitting &amp; Enforcement</b>					
Pilot LEA Grant Program	\$ 500,000	LEA Grant Program	\$ 500,000	LEA Grant Program	\$ 500,000
Highway Patrol IA	\$ 100,000	Highway Patrol IA	\$ 50,000	Highway Patrol IA	\$ 50,000
Dept. of Motor Vehicles IA	\$ 15,000	DMV IA	\$ 5,000	DMV IA	\$ 5,000
<b>Tire Pile Stabilization &amp; Remediation</b>					
State Cleanup Contract(s)	\$1,000,000	State Cleanup Contract(s)	\$2,500,000	State Cleanup Contracts	\$1,000,000
Emergency Fund	\$ 100,000	Emergency Fund	\$ 100,000	Emergency Fund	\$ 100,000
Priority Sites		Priority Sites		Priority Sites	
Local Govt. Cleanup		Local Govt. Cleanup		Local Govt. Cleanup	
Matching Grants	\$ 500,000	Matching Grants	\$ 500,000	Matching Grants	\$ 500,000
Fire Marshall IA	\$ 100,000	Fire Marshall IA	\$ 25,000	Fire Marshall IA	\$ 25,000
<b>Subtotal (P&amp;E)</b>	<b>\$2,315,000</b>		<b>\$3,680,000</b>		<b>\$2,180,000</b>
<b>Market Development</b>					
Loans: Local Govt. RAC Installation	\$ 500,000	Loans: Local Govt. RAC Installation	\$2,000,000	Loans: Local Govt. RAC Installation	\$1,000,000
		Grants: Targeted (\$ split based upon FY 96/97 evaluation)		Grants: Targeted (\$ split based upon FY 96/97 evaluation)	
Loan Assistance: Special Services	\$ 250,000	Loan Assistance: Special Services (can be moved to grants based on prior year evaluation)	\$ 500,000	Loan Assistance: Special Services (can be moved to grants based on prior year evaluation)	\$ 250,000
Legal Services	\$ 15,000	Legal Services Support	\$ 15,000	Legal Services Support	\$ 15,000
Financial Services	\$ 15,000	Financial Services Support	\$ 15,000	Financial Services Support	\$ 15,000
Coal/Cogeneration	\$ 200,000	Tire Conference	\$ 50,000	Contract Follow-Up to FY 97/98 Tire Conference	\$ 500,000
Cement Kiln Testing	\$ 100,000	Civil Engineering	\$ 500,000		
<b>Subtotal (Mkt. Dev.)</b>	<b>\$1,080,000</b>		<b>\$3,080,000</b>		<b>\$1,780,000</b>
<b>Total</b>	<b>\$3,395,000</b>		<b>\$6,760,000</b>		<b>\$ 3,960,000</b>

## IX. FUNDING INFORMATION

Amount Requested in Item: \$3,436,000

**Fund Source:**

- ☐ Used Oil Recycling Fund  
☒ Tire Recycling Management Fund  
☐ Recycling Market Development Revolving Loan Account  
☐ Integrated Waste Management Account  
☐ Other \_\_\_\_\_  
(Specify)

**Approved From Line Item:**

- Consulting and Professional Services  
☐ Training  
☐ Data Processing  
☒ Other Local Assistance and Discretionary State Operations  
(Specify)

**Redirection:**

If Redirection of Funds: \$ \_\_\_\_\_  
Fund Source: \_\_\_\_\_  
Line Item: \_\_\_\_\_

## X. ATTACHMENTS

1. Attachment 1 - Stockpile Abatement Disposal Directives: Experience of Other States
2. Attachment 2 - Status of State Tire Pile Cleanup Efforts
3. Attachment 3 - Market Development Options: Policy and Programmatic Decision Tool

## XI. APPROVALS

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Date/Time: 10/8/96

## **STOCKPILE ABATEMENT DISPOSAL DIRECTIVES:**

### **EXPERIENCE OF OTHER STATES**

#### **Objective**

The California Integrated Waste Management Board recently initiated scrap tire stockpile stabilization and abatement activities. One important issue associated with stockpile abatement is the ultimate fate of tires removed from these sites. The following summary of other states' experience has been prepared to assist the Board in defining appropriate ultimate tire disposal requirements for Board-directed abatement projects.

#### **Background and Methodology**

Legislation and regulations governing scrap tire disposal and stockpile abatement have been initiated by many states. Minnesota enacted the first regulations in the early 1980's, followed by Oregon, Wisconsin and Florida. These programs are mature and have successfully abated most stockpiles. Washington and Texas have newer programs with different direction, effectiveness and results. Each of these programs have been defined to provide perspective for the Board.

#### **Mature States' Experience**

##### **Minnesota**

**Legislative Direction** - Minnesota's enabling legislation prohibited disposal of whole or shredded scrap tires in landfills prior to development of alternative applications, resulting in creation of stockpiles within the state (with financial assurance) and across neighboring state boundaries (with no regulations). It precluded stockpile disposal in landfills and, unfortunately, still prevents use of shredded tires in constructive applications such as landfill leachate drainage layers, gas collection conduits and daily cover.

**Methods** - Abatement contractors were required to specify ultimate disposal methods and locations. Proposal evaluation scoring gave preference to higher value uses.

**Results** - Ultimately, most abatement tires were shredded and shipped to out-of-state TDF users or in-state roadway subgrade projects. Some of the roadway projects were questioned as unlicensed monofills. State and local governments provided about \$4 million in project financing to create a local crumb rubber producer. The company failed within two years, leaving a stockpile containing tires that the state had paid them to remove from other sites.

Florida

**Legislative Direction** - Legislation directed that 50% of the \$1.00/tire disposal fee be used for prioritization and abatement of stockpiles, but did not control methods. Legislation also prohibited landfill disposal of whole tires, but allowed continued disposal of coarsely shredded tires.

**Methods** - The Florida Department of Environmental Regulation chose to require constructive utilization of abated tires, but carefully examined applications to minimize impact on limited markets. The state had dedicated financial resources to absorb the additional cost (20 - 100% above landfill disposal). Responsible parties were allowed to utilize shredding and disposal at permitted landfills to abate their own sites.

**Results** - Approximately 80 stockpiles involving about 16,000,000 tires either have been, or are being, abated. About 85% of the sites (68 of 80) involving about 70% of the tires (11,500,000 of 16,000,000) have been, or are being, abated by responsible parties due to rigorous enforcement of cost recovery. The state is currently initiating the final phase of its program designed to remove the remaining smaller piles containing less than 30,000 tires. Primary uses for tires abated by the state were: (1) Production and transport of TDF to a utility in South Dakota; (2) Limited use of whole tires in a local cement kiln, partially displacing on-going tire generation; (3) Pioneering use of shreds in landfill drainage layers during massive landfill construction activity required for debris from Hurricane Andrew; (4) Use as an initial TDF source in a large, new power generation facility fueled by wood waste and TDF, allowing the facility to gradually develop its sources of tires from ongoing generation. In total, less than 300,000 tires from stockpiles displaced existing applications for ongoing generation.

Oregon

**Legislative Direction** - Legislation allowed landfill disposal of shredded tires from stockpile abatement. However, the State provided \$20/ton incentive payments to TDF users (in-state or out-of-state) for all Oregon tires, partially subsidizing such applications and decreasing cost differences versus landfill disposal alternatives.

**Methods** - Stockpile abatement RFP's required definition of ultimate disposal methods and provided higher ratings for constructive applications.

**Results** - At the time most abatement was conducted, TDF customers within the region (Oregon, Washington and California) were able to consume larger quantities than would have been produced solely from Oregon's on-going tire generation. Therefore, most abated tires were consumed as TDF by Calvaras Cement (Redding, California) or paper mills in Oregon and Washington. The direct cost for abatement was not significantly higher than landfill disposal options, but the separate subsidy hid

much of the actual cost difference. One of the last stockpiles involving over 500,000 shredded tires was landfilled due to the sunsetting of subsidies and dirt contamination. This program did not displace ongoing Oregon tires from these markets, but it did displace ongoing generation within Washington and California by increasing subsidized shipments from Oregon.

### Wisconsin

**Legislative Direction** - Provided scrap tire management funding through a dedicated \$2.00/vehicle fee on first-time registrations. Over 50% of available funds were used for stockpile abatement, but the disposal method was not directed. Legislation also directed market subsidies of \$40/ton for applications involving material use in products and \$20/ton for energy and civil engineering applications.

**Methods** - The state used abatement contractor evaluation criteria favoring constructive application of tires. Additional value was attached to proposals that involved creation of new markets inside or outside the state. Actual product sales contracts were required, verified and monitored. Market conditions were carefully monitored to minimize impact on existing uses.

**Results** - Tires from state-directed abatement were consumed in local and out-of-state energy recovery applications when market conditions allowed. When this was not feasible, civil engineering applications like roadway sub-base and landfill daily cover were utilized. 400 of 550 sites were abated by responsible parties without state direction of ultimate disposal. Cost recovery has been pursued through administrative negotiations or legal proceedings in 100 of 150 cases abated by the state. In Wisconsin and Florida, cost recovery has been rigorously pursued except where: (1) legal costs were likely to exceed the recoverable judgement, or (2) a few cases involving truly innocent landowners with limited assets other than property protected by "homestead" laws.

## **Evolving States' Experience**

### Washington

**Legislative Direction** - Banned whole and shredded tires from landfills prior to adequate market development, but allowed organized stockpile accumulations with financial assurance (which proved to inadequate for subsequent abatement).

**Methods** - Since landfill disposal was not allowed, abatement tires were forced into energy utilization and civil engineering applications.

**Results** - Energy utilization markets were flooded with abatement tires. Contractors used abatement revenue to undercut pricing from historical suppliers, resulting in

displacement of on-going generation and serious market instability. Additional quantities were placed in large, poorly-designed roadway subgrade projects that auto-ignited and ultimately had to be removed and landfilled. This program has repeatedly failed to recognize market reality.

### Texas

**Legislative Direction** - The legislature created funding for its state-controlled waste tire management program through a \$2.00/tire fee. The legislation targeted creation of tire processors through direct payments of \$0.85/tire unit to tire shredding companies. Processors were prohibited from charging dealers for collection or disposal services and were allowed to accumulate shreds in anticipation of market development instead of being forced to properly use or dispose of shreds.

**Methods** - Processors were required to obtain 10-15% of their tires from designated stockpiles containing either whole or shredded tires.

**Results** - Texas has expended over \$60,000,000 to convert piles of whole tires into piles of shredded tires. In some cases, the state has paid processors once to coarsely shred whole tires and again to reshred to smaller size product. The program was recently modified to require constructive application of shredded products, but Texas is likely to regain an unfunded liability for disposal of these shredded tire stockpiles as processors fail. Lobbyists for processors controlled development of this program in spite of warnings from others about the probable consequences. The program has been an expensive failure because it allowed continued accumulation in anticipation of market development rather than requiring proper use and/or disposal.

### Conclusions

- (1) Most successful, mature stockpile abatement programs have attempted to constructively utilize tires removed during state-directed stockpile abatement programs.
- (2) Implementation has required: (a) A broad definition of "constructive applications"; (b) Careful analysis of local market conditions; (c) Utilization of out-of-state markets; (d) Significant consumption by civil engineering applications and/or new energy users and (e) Adequate financial resources to directly or indirectly support higher abatement costs generally associated with constructive use.
- (3) Mandated and/or narrow definition of "constructive applications" has resulted in counter-productive market displacement of on-going generation at higher state cost.



- (4) Tires removed from stockpiles and processed should not be accumulated in anticipation of market development.

#### Current California Conditions

- (1) California currently has markets or constructive applications for less than 70% of its on-going generation and this imbalance may be amplified if the MELP facility becomes inactive in 1997. No major new consuming facilities are projected in the immediate future.
- (2) California currently has a narrow definition and range of approved "constructive applications", further accentuating probable impact on existing markets.
- (3) California's available financial resources for stockpile abatement are extremely limited, possibly requiring 20 to 30 years for complete abatement of known stockpiles unless the threat of cost recovery forces responsible parties with resources to abate their own stockpiles. Any action that increases unit costs further extends this time period and interim public health and environmental hazards associated with stockpiles.
- (4) California does not have major consumers in neighboring states capable of absorbing additional quantities without market disruption or the financial resources required to support transportation costs.
- (5) Based on California's existing market imbalance, forcing abatement tires into limited constructive applications is not likely to enhance overall utilization of tire resources. Each abatement tire utilized at a premium cost to the Board will simply result in an ongoing generation tire being shredded and landfilled or, worse yet, stockpiled.

#### Recommendation

Although some states have successfully utilized stockpiled tires, the required economic and markets conditions do not currently exist in California. As a result, it is recommended that the Board adopt an interim policy of choosing the lowest-cost abatement alternative that does not negatively impact local market conditions, even if that alternative involves landfill disposal. One possible exception may be acceptance of a defined cost premium of up to 10-15% for alternatives that enhance creation of new, technically-approved applications within the state. This interim policy should be reviewed annually and adjusted appropriately to reflect changing market conditions.

# WASTE TIRE SITE CLEANUP COST ESTIMATES<sup>1</sup>

Rank	Facility No. County	Tire Quantity (Staff Est.)	Cleanup Cost Estimate*	Cumulative Cleanup Cost
1	39-TI-0005 San Joaquin	2,000,000+	\$3,100,000 4,500,000	\$ 3,100,000 4,500,000
1	54-TI-0034 Tulare	1,200,000	\$1,860,000 2,700,000	\$4,960,000 7,200,000
1	40-TI-0139 San Luis Obispo	1,000,000	\$1,550,000 2,250,000	\$6,510,000 9,450,000
1	33-TI-0067 Riverside	1,000,000	\$1,550,000 2,250,000	\$8,060,000 11,700,000
1	36-TI-0113 San Bernardino	275,000	\$ 426,250 618,750	\$8,486,250 12,318,750
1	36-TI-0134 San Bernardino	100,000	\$ 155,000 225,000	\$8,641,250 12,543,750
1	34-TI- Sacramento	80,000	\$ 124,000 to 180,000	\$8,765,250 12,723,750
1	33-TI-0592 Riverside	80,000	\$ 125,000 180,000	\$8,890,250 12,903,750
1	36-TI-0529 San Bernardino	70,000	\$ 108,500 157,500	\$8,998,750 13,061,250
1	33-TI-0137 Riverside	50,000	\$ 77,500 112,500	\$9,076,250 \$13,173,750
1	54-TI-0574 Tulare	33,000	\$ 51,150 74,250	\$9,127,400 13,248,000
1	50-TI-0128 Stanislaus	25,000	\$ 38,750 56,250	\$9,166,150 13,304,250
1	35-TI-0022 San Benito	20,000	\$ 31,000 45,000	\$9,197,150 13,349,250

<sup>1</sup>The cumulative total cleanup costs can be adjusted by re-arranging the Rank 1 sites. Remediating the smaller Rank 1 sites permits remediating more sites; however, remediation of the larger sites may have a total greater public health and safety and environmental impact.

Rank	Facility No. County	Tire Quantity (Staff Est.)	Cleanup Cost Estimate*	Cumulative Cleanup Cost
1	36-TI-0555 San Bernardino	15,000	\$ 23,250 33,750	\$9,220,400 13,383,000
1	34-TI- Sacramento	10,000	\$ 15,500 22,500	\$9,235,900 13,405,500
1	33-TI-0581 Riverside	10,000	\$ 15,500 22,500	\$9,251,400 13,428,000
1	54-TI-0503 Tulare	7,500	\$ 11,625 16,875	\$9,263,025 13,444,875
1	15-TI- Kern	6,000	\$ 9,300 13,500	\$9,272,325 13,458,375
1	37-TI-0530 San Diego	4,000	\$ 6,200 9,000	\$9,278,525 13,467,375
1	54-TI-0367 Tulare	4,500	\$ 6,975 10,125	\$9,285,500 13,477,500
TOTAL RANK 1 SITES				\$9,285,500 TO \$13,477,500
2	10-TI-0028 Fresno	30,000	\$ 46,500 67,500	\$46,500 67,500
2	10-TI-0033 Fresno	20,000	\$ 31,000 45,000	\$77,500 112,500
2	28-TI-0016 Napa	15,000	\$ 23,250 33,750	\$100,750 146,250
2	31-TI-0141 Placer	10,000	\$ 15,500 \$22,500	\$116,250 168,750
2	54-TI-0505 Tulare	8,000	\$ 12,400 18,000	\$128,650 186,750
2	49-TI-0594 Sonoma	4,000	\$ 6,200 9,000	\$134,850 195,750
2	54-TI-0578 Tulare	2,000	\$ 3,100 4,500	\$137,950 200,250
2.5	36-TI-0557 San Bernardino	7,000	\$ 10,850 15,750	\$148,800 216,000
2.5	13-TI-0584 Imperial	1,100	\$ 1,700 2,475	\$150,500 218,475
3	54-TI-0035 Tulare	200,000	\$ 310,000 450,000	\$460,500 668,475

Rank	Facility No. County	Tire Quantity (Staff Est.)	Cleanup Cost Estimate*	Cumulative Cleanup Cost
3	54-TI-0589 Tulare	75,000	\$ 116,250 168,750	\$576,750 837,225
3	16-TI-0062 Kings	50,000	\$ 77,500 112,500	\$654,250 949,725
3	33-TI-0593 Riverside	30,000	\$ 46,500 67,500	\$700,750 1,017,225
3	54-TI- Tulare	12,000	\$ 18,600 27,000	\$719,350 1,044,225
3	49-ti-0595	2,000	\$ 3,100 4,500	\$722,450 1,048,725
TOTAL RANK 2 AND 3 SITES				\$722,450 TO \$1,048,725
TOTAL CLEAN UP COSTS FOR RANK 1,2, AND 3 SITES				\$10,007,950 TO \$14,526,225

\*Based on \$1.55-\$2.25/tire

# MARKET DEVELOPMENT OPTIONS

ATTACHMENT 3

PROGRAM OPTIONS [Potential Diversion]		FUNDING MECHANISM	FUNDING RECIPIENT	PROJECT FOCUS	EST'D COST
MATERIALS	Rubberized Asphalt Concrete (RAC) [2-3 million]	grants	local government	Demonstrations	\$1,000,000
		loans	local government	Installation/differential cost of RAC	\$500,000
		contracts	local government	Training and public education	\$150,000
		contracts	local government	Technical Support and Training Center	\$500,000
		contracts	business/Caltrans	Research to improve existing/develop new technologies	\$500,000
	Crumb Rubber Products [1-1.5 million]	grants	local government	Product demonstrations	\$200,000
		grants	business	Product development and commercialization	\$300,000
		grants	local government	Differential cost of products containing crumb rubber	\$100,000
		contracts	business	Standard specification development and promotion	\$150,000
		contracts	business	Development and promotion of Buy Recycled campaign	\$150,000
		loans	business	Product development and commercialization	\$1,000,000
	Devulcanized Rubber Products [1-1.5 million]	grants	business	Product testing/equipment purchase	\$300,000
	Civil Engineering Applications [2-5 million]	grants	local government	Product demonstration/equipment purchase	\$300,000
		contracts	business	Product demonstration/equipment purchase	\$300,000
ENERGY	Pyrolysis [1-3 million]	loans	business	Facility development and operation	\$1,000,000
	Cement Manufacturing [10 million]	contracts	business	Public education and policy support	\$150,000
ENERGY	Biomass Facilities [1-2 million]	contracts	business	Combustion and emissions testing	\$200,000
	Coal-Fired Cogeneration Facilities [2-6 million]	contracts	business	Combustion and emissions testing	\$200,000

California Integrated Waste Management Board

~~LEGISLATIVE ASSISTANCE AND PLANNING COMMITTEE~~

OCTOBER 23 1996

AGENDA ITEM # 17

ITEM: CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT AND SUMMARY PLAN FOR ALAMEDA COUNTY

STAFF COMMENTS:

The Alameda County Integrated Waste Management Plan, "Countywide Element", was submitted by the Alameda County Waste Management Authority (ACWMA) on behalf of the cities and unincorporated county of Alameda. This submitted "Countywide Element" was intended to serve as the Countywide Siting Element and Summary Plan; however, the required regulatory information is fragmented throughout the document, and neither the Table of Contents nor the regulatory index included in the Appendix assists readers in locating crucial siting information. Most importantly, Board staff were uncertain whether the County does or does not have 15 years of permitted landfill capacity remaining. There is also inconsistency within the "Countywide Element" with the usage of the words "Chapter and Section" which increases confusion for the reader. In addition, as Board staff made clear to ACWMA staff during review of the draft document, while the Siting Element and Summary Plan may be bound together as one document, each must be easily identifiable.

The document describes current and planned disposal options for the County. In addition, the Element describes the goals and policies, the disposal capacity of the County as a whole, and details the siting criteria agreed upon by a majority of the cities within the County.

Board staff had the opportunity to discuss these concerns with the Planning Director of the ACWMA after October agenda items were due. The ACWMA agrees to clarify their remaining permitted landfill capacity with a written statement which will be FAXED to all the member cities prior to the October CIWMB Board meeting, and which will be appended to the final Countywide Element. In addition, they agreed to work with Board staff to create a compliance schedule detailing when and how the additional conditions will be complied with.

CIWMP

Board action is required on all jurisdictions' SRRE, HHWE, and NDFE documents within the County in order to have a complete Countywide Integrated Waste Management Plan (CIWMP). However, the City of Union City's submittal of a final, locally adopted SRRE, HHWE, and NDFE, is still incomplete to date. In addition, the City of Fremont's final NDFE which was recently submitted, is incomplete. Upon Board action on these documents, the CIWMP submittal will be complete.

SITING ELEMENT

The Alameda Countywide Element identifies the existing solid waste disposal facilities, their location, the owner/operator, and maximum permitted daily and yearly disposal rates. The Element identifies three active landfills within the County used for waste disposal. The combined permitted landfill capacity is unclear at this time as there are many conflicting statements within the Element which lead to confusion. For instance:

Section II, Page II-14 states that "As detailed in Section 3, these existing system components are not sufficient to meet the County's needs for 50 percent waste

diversion or for a minimum 15 years of landfill disposal capacity;"

Section III, Page 14 states "there is current capacity to meet projected needs through 2010";

Section IV, Page 1 states that the County does not have 15 years of permitted capacity;

Section IV, Page 2, states that the County has 18 years of permitted Capacity;

Section VI, Page 35, states that "as presented in Chapter 3, the County has sufficient permitted landfill capacity...."

While Section III is titled "Countywide Needs" and many of the chapters have titles which would lead readers to expect to find information here for landfill capacity issues or siting issues, readers only find generic statements, references to look in other sections, and tables which are difficult to interpret and indicate various disposal amounts for the same years.

One new disposal facility has been "tentatively reserved" at this time, and ACMWA acknowledges that a General Plan amendment and proof of General Plan consistency will be necessary before the five-year revision of the Siting Element. In addition, various expansions at the three existing landfills are briefly presented as possible options to provide the County with 15 years of permitted landfill capacity.

This Siting Element does not adequately address the requirements of 14 CCR section 18755 et seq. for the following areas:

Siting Element Adequacy	Yes	No
All required documentation submitted	X	
CIWMB draft comments adequately addressed		X
Local Task Force comments addressed	X	
Meets Countywide Siting Element criteria (CIWMP Adequacy Report)	X	
Meets 15 year disposal capacity requirement		X

Because of the concerns identified, staff recommend conditional approval of the Alameda County Siting Element. The ACMWA will need to clarify remaining capacity based on the document, revise the Table of Contents to clearly delineate where major siting information can be found within the document, and the cover and/or Title Page of the revised document must clearly state that the "Countywide Element" contains both the Countywide Summary Plan and Siting Element.

#### SUMMARY PLAN

The Alameda Countywide Element also describes the integrated waste management programs and infrastructure for the County and cities. The Plan summarizes the Source Reduction and Recycling Elements (SRREs), Nondisposal Facility Elements (NDFEs), and Household Hazardous Waste Elements (HHWE) for the County and cities; funding for selected programs; and goals and policies for countywide diversion

programs.

This Summary Plan does not adequately address the requirements of 14 CCR Section 18757 et seq. for the following areas:

Summary Plan Adequacy	Yes	No
All required documentation submitted	X	
CIWMB draft comments adequately addressed		X
Local Task Force comments addressed	X	
Meets Countywide Summary Plan criteria (CIWMP Adequacy Report)	X	

**Explanation of any "NO" response:**

The Board has not acted on the City of Fremont's NDFE or the City of Union City's SRRE, HHWE, or NDFE. Since the Plan contains a summary of all the jurisdictions' documents, the Summary Plan cannot be considered fully approved until these documents have been submitted, and acted upon by the Board.

The summary of HHWE's needs to be added to the Table of Contents and listed on the Cover Page of Section VI which is the Section describing the summary of jurisdictions individual programs and countywide programs.

Because of the above concerns, staff recommend conditional approval of the Alameda County Summary Plan.

**ATTACHMENTS:**

1. Resolution No. 96-450 Conditional Approval of the Siting Element for Alameda County
2. Resolution No. 96-451 Conditional Approval of the Summary Plan for Alameda County

Prepared by: Michelle Lawrence Phone: 255-2397

Reviewed by: Dianne Range *DR* Phone: 255-2400

Reviewed by: Lorraine Van Kekeris *LK* Phone: 255-2670

Reviewed by: Judith J. Friedman *JJF* Phone: 255-2376

Legal Review: EB Date/time: 10/15/96



ATTACHMENT 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION 96-450

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE COUNTYWIDE SITING ELEMENT  
FOR ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41700 requires that each county shall prepare a Countywide Siting Element which provides a description of the areas to be used for development of adequate transformation or disposal capacity concurrent and consistent with the development and implementation of the county and city Source Reduction and Recycling Elements adopted; and

WHEREAS, California Code of Regulations Title 14, Section 18783 requires that the County comply with the California Environmental Quality Act and it has provided a Notice of Determination from the State Clearinghouse as required; and

WHEREAS, PRC Section 41701 requires that the Countywide Siting Element contain a statement of goals and policies for the environmentally safe transformation or disposal of solid waste which cannot be reduced, recycled, or composted; and

WHEREAS, the Countywide Siting Element must include an estimate of the total transformation or disposal capacity in cubic yards that will be needed for a 15-year period; and

WHEREAS, the Countywide Element does not provide this information in a clear and cohesive manner; and

WHEREAS, the Countywide Siting Element must be approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county; and

WHEREAS, resolutions from the majority of the cities representing a majority of the population were included with the submittal of the Countywide Siting Element; and

WHEREAS, based on review of the Countywide Siting Element, Board staff found that not all of the foregoing requirements have been satisfied and the Countywide Siting Element does not substantially comply with PRC Section 41700, et seq. and recommends conditional approval; and

WHEREAS, PRC Section 41800 (a) allows the Board to conditionally approve a plan or element; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby conditionally approves the Countywide Siting Element for Alameda County. As a condition, the document must be revised to clarify remaining capacity for the County and add wording to the title and/or cover page of the document which clearly identifies it as the Countywide Summary Plan and Siting Element, and revise titles within the Table of Contents to clearly indicate where siting information can be found within the Countywide Element. Further, within 60

days of receiving the Board's Notice of Conditional Approval, the County shall submit a compliance schedule identifying tasks and a schedule to be followed in correcting the specific deficiencies.

#### CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

ATTACHMENT 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION 96-451

FOR CONSIDERATION OF CONDITIONAL APPROVAL OF THE COUNTYWIDE SUMMARY PLAN FOR  
ALAMEDA COUNTY

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Section 41750 requires that each county shall prepare a Countywide Integrated Waste Management Plan (CIWMP); and

WHEREAS, PRC Section 41751 requires a summary identifying significant waste management problems facing the county; and

WHEREAS, Title 14 California Code of Regulations (CCR) sections 18757 et seq. provide this summary shall be provided in a Summary Plan as a separate component of the CIWMP; and

WHEREAS, the Summary Plan should include an overview of the specific steps that will be taken by local agencies, acting independently and in concert, to achieve the purpose of this division; and

WHEREAS, the Summary Plan shall contain a statement of the goals and objectives set forth by the countywide local task force; and

WHEREAS, the Summary Plan must be approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county; and

WHEREAS, CCR Title 14, Section 18783 requires that the County comply with the California Environmental Quality Act and the County has provided a Notice of Determination as required; and

WHEREAS, PRC Section 41750 et. seq. requires the final CIWMP submitted to the Board for approval must also contain all locally adopted Source Reduction and Recycling Elements (SRRE), Household Hazardous Waste Elements, Nondisposal Facility Elements, the Countywide Siting Element and Summary Plan; and

WHEREAS, the Board has not yet considered the Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element for the City of Union City, or the Nondisposal Facility Element for the City of Fremont; and

WHEREAS, in that case, the Summary Plan may also need to be revised; and

WHEREAS, based on review of the CIWMP, Board staff found that all of the foregoing requirements have not been satisfied and the CIWMP does not substantially comply with PRC Section 41750, et seq.; and

WHEREAS, PRC Section 41800(a) allows the Board to conditionally approve the Summary Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby Conditionally approves the Countywide Summary Plan for Alameda County. As a condition, all the jurisdictions must submit their final, locally adopted planning documents to the Board for Board action, and the Summary Plan may have to be revised if there is a significant change. In addition, the Summary Plan and Siting Elements must be easily identifiable within the Alameda Countywide Element. Further, within 60 days of receiving the Board's Notice of Conditional Approval, the County shall submit a compliance schedule identifying tasks and a schedule to be followed in correcting the specific deficiencies.

#### CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 23, 1996

## AGENDA ITEM 18

**ITEM:** Consideration of Adoption of the Proposed Negative Declaration (SCH #96-072082) and the Proposed Regulations for Consolidation of the Annual Report Requirements, 14 CCR, Sections 18794.0 - 18794.6

### I. SUMMARY

Existing emergency regulations require jurisdictions to submit Annual Reports to the California Integrated Waste Management Board (Board) by August 1 of each year following Board approval of a planning document. Annual Reports will inform the Board of a jurisdiction's progress toward achieving the mandated disposal reduction goals identified in Public Resources Code Section 41780.

Existing permanent annual reporting requirements are currently located in five Articles in the regulations, which makes the preparation of Annual Reports a difficult task for jurisdictions. To simplify the process, Board staff have proposed revisions that clarify and streamline current regulations, and place all annual reporting requirements into one Article.

The proposed regulations affect: 1) how jurisdictions calculate their progress toward achieving the 25% disposal reduction goal; and 2) the information jurisdictions report annually to the Board on the progress they have made toward implementing their Board-approved planning documents.

Staff will present the proposed negative declaration, for which no public comments were received. Staff will also present the proposed regulations, and a summary of the public comments received.

### II. PREVIOUS COMMITTEE ACTION

This item was sent to print prior to the Local Assistance and Planning Committee meeting, to be held on October 16, 1996. Board staff will present the Board with an update of the Committee's action at the October 23 Board meeting.

### III. OPTIONS FOR THE BOARD

Board members may decide to:

1. adopt the proposed negative declaration and the annual report regulations as proposed; or
2. provide direction to staff for revisions to the proposed negative declaration and/or the annual report regulations.

#### IV. STAFF RECOMMENDATIONS

Staff recommends the Board adopt Option 1, i.e., adopt both the negative declaration (Attachment 1), and proposed regulations (Attachment 2).

#### V. ANALYSIS

##### Background

Emergency Regulations currently require California jurisdictions to submit an Annual Report for their Source Reduction and Recycling Elements (SRREs), Household Hazardous Waste Elements (HHWEs), Nondisposal Facility Elements (NDFEs), and Board-approved Petitions for Reduction of the diversion goals. In addition, each county or regional agency must also submit an Annual Report on its Siting Element and Summary Plan. All Annual Reports are due to the Board by August 1 of the year following Board approval of the respective planning document, and every year thereafter.

Existing permanent reporting requirements for Annual Reports are currently located in five Articles of Title 14, California Code of Regulations. Article 6.1, Section 18726.1 discusses how a jurisdiction is to calculate its maximum disposal allowable, as part of its goal achievement calculations. Article 7.0, Sections 18771 and 18775 discuss contents of Annual Reports, and Annual Reporting requirements for Petitions for Reduction. Article 8.0, Section 18787 discusses Annual Reporting requirements for Countywide Siting Elements and Summary Plans. Article 9.0, Section 18813, directs jurisdictions to include disposal reporting information in their Annual Report. Article 9.3, Section 18831 discusses the Annual Reporting requirements for the adjustment method. It would help jurisdictions preparing Annual Reports if all reporting requirements were placed into one Article.

##### Content of the Proposed Regulations:

The proposed regulations are organized in such a manner that the preparer of an Annual Report may go step-by-step through the requirements. The regulations closely follow the organization of the Model Annual Report (Model) that was distributed to all jurisdictions this March. The Model was used by the majority of jurisdictions that submitted their first annual report this August 1.

The proposed revisions modify existing regulations by simplifying the language of the existing requirements, place all reporting

requirements into one Article, and require a consolidated Annual Report from each jurisdiction.

Formal Review Process:

A notice of the proposed regulatory action (#Z96-0709-01) was published in the California Regulatory Notice Register on July 19, 1996. Publication of the notice began the 45-day public comment period which ended September 3, 1996. A California Environmental Quality Act (CEQA) notice (SCH# 96-072082), initial study, and proposed negative declaration were submitted to the Governor's Office of Planning and Research on July 24, 1996, and noticed with the public in the San Francisco Chronicle, The Los Angeles Times, and the Sacramento Bee on July 24, 1996. Over 1100 copies of the draft regulations package, which included the CEQA documentation, were circulated to all jurisdictions and other interested parties. One comment letter received said they had no comments, another recommended a change that would require a statutory change, so no revisions were made to the regulations as proposed. A formal public hearing was held on September 4, 1996. One city representative attended the hearing, and they recommended a change to the regulations that would require a statutory change; so no revision to the regulations was made.

However, an important requirement related to annual update information for County Siting Elements had inadvertently been omitted from the noticed regulations. Therefore, the regulations were recirculated for a 15-day public comment period, beginning September 26, 1996 and ending October 11, 1996. Any comments received will be discussed at the Local Assistance and Planning Committee and Board meetings in October, although Board staff do not anticipate this change to be controversial.

Findings:

Please see the attached resolutions on the proposed negative declaration (Resolution #96-430) and proposed regulations (Resolution #96-431).

**Attachments**

1. Proposed negative declaration for the proposed annual report regulations.
2. Proposed regulations for the annual reporting requirements.
3. Resolution on the negative declaration (Resolution #96-430).
4. Resolution on the proposed regulations (Resolution #96-431).

Prepared by: Catherine Cardozo *CC* Phone: 255-2396  
Reviewed by: John Nuffer *JN* Phone: 255-2368  
Reviewed by: Pat Schiavo *PS* Phone: 255-2656  
Reviewed by: Lorraine Van Kekerix *LVK* Phone: 255-2670  
Reviewed by: Judith J. Friedman *JJF* Phone: 255-2376  
Legal Review: EB Date/time: 10/4/96



TEXT OF REGULATIONS:

California Code of Regulations

Title 14. Natural Resources.

Division 7. California Integrated Waste Management Board.

Chapter 9. Planning Guidelines and Procedures for Preparing and Revising Countywide or Regional Integrated Waste Management Plans.

Article 6.1 Solid Waste Generation Studies and Solid Waste Disposal Characterization Studies

~~Section 18726.1 Calculation of Maximum Disposal Tonnage.~~

~~(a) The maximum disposal tonnage allowable, as calculated in this section shall be used to determine achievement of the diversion requirements of Section 41780 of the Public Resources Code.~~

~~(b) To determine the maximum disposal tonnage allowable for a city, county, or city and county, the adjusted base year amount of solid waste generation shall be multiplied by 0.75 (75%) for 1995 and by 0.50 (50%) for the year 2000.~~

~~Example: City, County, or City and County~~

<del>Adjusted Base year</del>	<del>1995 Disposal</del>	<del>1995 Maximum</del>
<del>Waste Generation</del>	<del>Multiplier</del>	<del>Disposal to Meet Goal</del>
<del>100 tons</del>	<del>X 0.75</del>	<del>75 tons</del>

<del>Adjusted Base year</del>	<del>2000 Disposal</del>	<del>2000 Maximum</del>
<del>Waste Generation</del>	<del>Multiplier</del>	<del>Disposal to Meet Goal</del>
<del>100 tons</del>	<del>X 0.50</del>	<del>50 tons</del>

~~(c) To determine the maximum disposal tonnage allowable for a regional agency, the adjusted base year amounts of solid waste generation for each member city, county, or city and county shall be totalled, and multiplied by 0.75 (75%) for 1995 and by 0.50 (50%) for the year 2000.~~

~~Example: Regional Agency~~

<del>Member Jurisdiction</del>	<del>Adjusted Base year Regional</del>
<del>Waste Generation</del>	<del>Waste Generation</del>

A	50 tons
B	25 tons
C	25 tons
	100 tons

Adjusted Base year	1995 Disposal	1995 Maximum
Regional Waste	Multiplier	Regional Disposal
Generation		to Meet Goal

100 tons	X 0.75	75 tons
----------	--------	---------

Adjusted Base year	2000 Disposal	2000 Maximum
Regional Waste	Multiplier	Regional Disposal
Generation		to Meet Goal

100 tons	X 0.50	50 tons
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Note: Authority cited: Section 40502, Public Resources Code.  
Reference: Sections 41780, 41780.1, and 41780.2, Public Resources Code.

Article 7. Procedures for Preparing and Revising City, Regional Agency and County Source Reduction and Recycling Elements, and Household Hazardous Waste Elements and City and County Nondisposal Facility Elements

~~Section 18771. Annual Report: Review and Revision of City, Regional Agency or County SRREs.~~

~~(a) After Board approval of a SRRE, or most recent revision, the jurisdiction shall monitor the reductions in solid waste, and submit an annual report, which summarizes the jurisdiction's progress toward achieving the mandated waste reduction goals identified in Public Resources Code section 41780. The report shall address the requirements as described in section 18733.6 of this chapter, and serve as a basis for determining whether a revision of a SRRE is needed.~~

~~(1) The Board shall review a SRRE for consistency with the hierarchy requirements for waste management practices as defined in the California Integrated Waste Management Act of 1989 (Public Resources Code sections 40000 et seq.), and assure that goals and programs of a jurisdiction, and their implementation, are adequate to meet the mandated requirements.~~

~~(b) Each jurisdiction shall submit an annual report. For jurisdictions who had SRREs approved on or before December 31, 1995, an annual report is due August 1, 1996, and each August 1 thereafter. For jurisdictions who have SRREs approved on or~~

87 after January 1, 1996, an annual report is due August 1 of the  
88 year following SRRE approval and each August 1 thereafter.

89 ~~(c) The annual report shall address at least the following.~~

90 ~~(1) changes in demographics in the jurisdiction,~~

91 ~~(2) adequacy of the implementation schedule in the SRRE,~~

92 ~~(3) changes in funding sources for implementing the SRRE,~~

93 ~~(4) changes in administrative responsibilities,~~

94 ~~(5) future programs and facilities in the jurisdiction,~~

95 ~~(6) adequacy of the data base,~~

96 ~~(7) programs in the SRRE which were not implemented, or~~  
97 ~~were not successfully accomplished, and why,~~

98 ~~(8) quantities and types of waste diverted through~~  
99 ~~recycling and composting programs directly funded or~~  
100 ~~operated by the jurisdiction including, but not limited to,~~  
101 ~~contracts or franchises,~~

102 ~~(9) quantities of waste disposed by the jurisdiction,~~

103 ~~(10) adjustments to waste disposal quantities to account~~  
104 ~~for changes in population, economics and other factors, if~~  
105 ~~appropriate,~~

106 ~~(11) changes in markets for recyclables in the SRRE,~~

107 ~~(12) changes in regional agency agreements,~~

108 ~~(d) If a jurisdiction determines that a revision of the SRRE is~~  
109 ~~necessary, the jurisdiction shall prepare the revision pursuant~~  
110 ~~to sections 18762 through 18768 of this Article.~~

111 ~~(e) The annual report shall contain a timetable for making the~~  
112 ~~necessary revisions in the SRRE.~~

113 ~~(f) The Board may, upon review of the annual report, find that a~~  
114 ~~revision of the SRRE is necessary. The Board shall present its~~  
115 ~~findings at a public hearing.~~

116 ~~(1) The jurisdiction shall be directed, by resolution from~~  
117 ~~the Board, to revise its SRRE pursuant to sections 18762~~  
118 ~~through 18769 of this Article.~~

119 ~~(g) For the purposes of this section, if a jurisdiction funds or~~  
120 ~~operates a program through contracts or franchises and the~~

139 ~~agreement does not contain program monitoring and reporting~~  
140 ~~requirements providing the information required by (c) (8) of this~~  
141 ~~section, the jurisdiction may include this information at the~~  
142 ~~time of the contract or franchise agreement renewal, or at the~~  
143 ~~jurisdiction's five year revision, whichever comes first.~~

144  
145 ~~NOTE: Authority cited: Section 40502, Public Resources Code.~~  
146 ~~Reference: Sections 40050, 40051, 40052, 40950, 41000, 41300,~~  
147 ~~41780, 41790, and 41821, Public Resources Code.~~

148  
149 **Section 18775. Reduction in Diversion and Planning Requirements.**  
150

151 (a) A city or county may petition the Board, at a public.  
152 hearing, to reduce the diversion requirements specified in Public  
153 Resources Code section 41780, and planning requirements. To  
154 petition for a reduction, the city or county shall present  
155 verification to the Board which indicates that achievement of the  
156 requirements is not feasible due to small geographic size or low  
157 population density of the city or county and the small quantity  
158 of waste it generates. To qualify to petition for a reduction in  
159 the diversion and planning requirements, a city or county must  
160 meet the following:  
161

162 (1) For an incorporated city, a geographic area of less  
163 than 3 square miles or a population density of less than  
164 1500 people per square mile and a waste generation rate of  
165 less than 100 cubic yards per day or 60 tons per day.  
166

167 (2) For the unincorporated area of a county, a geographic  
168 area of less than 1500 square miles or a population density  
169 of less than 10 people per square mile and a waste  
170 generation rate of less than 100 cubic yards per day or 60  
171 tons per day.  
172

173 (b) Based on information presented at the hearing, the Board may  
174 establish reduced diversion requirements, and alternative, but  
175 less comprehensive, planning requirements. A petitioner may  
176 identify those specific planning requirements from which it  
177 wants to be relieved and provide justification for the  
178 reduction. Examples of reduced planning requirements could  
179 include, but would not be limited to, reduced requirements for  
180 solid waste generation studies, and reduced requirements and  
181 consolidation of specific component requirements. These reduced  
182 planning requirements, if granted, must ensure compliance with  
183 Public Resources Code section 41782.  
184

185 (c) Cities and counties requesting a reduction in the diversion  
186 and planning requirements must include the following information  
187 in the reduction petition:  
188

189 (1) A general description of the existing disposal and  
190 diversion systems, including documentation of the types and

quantities of waste disposed and diverted. Documentation sources may include, but are not limited to, the following:

- (A) Solid Waste Generation or Characterization Studies;
  - (B) Diversion data from public and private recycling operations;
  - (C) Current year waste loading information from permitted solid waste facilities used by the jurisdiction;
- (2) Identification of the specific reductions being requested (i.e. diversion or planning requirements or both);
- (3) Documentation of why attainment of mandated diversion and planning requirements is not feasible. Examples of documentation could include, but are not limited to:
- (A) Evidence from the documentation sources specified in paragraph (c)(1) of this section;
  - (B) Verification of existing solid waste budget revenues and expenses from the duly authorized designated representative of the city or county;
- (4) The planning or diversion requirements that the city or county feels are achievable, and why.

~~(d) Cities and counties which petition the Board and receive a reduction in the diversion and planning requirements pursuant to this section, shall fully address the following issues in an annual report submitted to the Board:~~

~~(1) the city or county's current activities to establish and maintain source reduction and recycling programs;~~

~~(2) changes in demographics in the city or county;~~

~~(3) changes in types and amounts of waste generated in the city or county;~~

~~(4) changes in funding sources for implementing the Elements or Plan;~~

~~(5) changes in markets for the city or county's recyclables.~~

~~(e) For jurisdictions who had petitions approved on or before December 31, 1995, an annual report is due August 1, 1996, and each August 1 thereafter until the Board mandated diversion levels are met. For jurisdictions who have petitions approved on~~

243 ~~or after January 1, 1996, an annual report is due August 1 of the~~  
244 ~~year following petition approval and each August 1 thereafter~~  
245 ~~until the Board mandated diversion levels are met.~~

247 ~~(f) The Board may, upon review of the annual report, find that a~~  
248 ~~revision or revocation of the reduction is necessary. The Board~~  
249 ~~shall present any such findings at a public hearing.~~

251 ~~(g) If a regional agency is named in a regional agreement as the~~  
252 ~~responsible entity for the achievement of the diversion~~  
253 ~~requirements specified in PRC Section 41780, neither the regional~~  
254 ~~agency nor any member of the regional agency will be eligible for~~  
255 ~~a reduction in the diversion requirements of PRC Section 41780.~~

257 NOTE: Authority cited: Section 40502, Public Resources Code.  
258 Reference: Sections 40973, 41782 through 41786, and 41802, Public  
259 Resources Code.

261  
262 Article 8. Procedures for Preparing and Revising Siting  
263 Elements, Summary Plans, and Countywide and  
264 Regional Agency Integrated Waste Management Plans

266 ~~Section 18787. Annual Review of Progress Towards Solid Waste~~  
267 ~~Disposal Goals.~~

269 ~~(a) Annual Report. The county or regional agency shall submit a~~  
270 ~~written annual report. For counties or regional agencies who had~~  
271 ~~a CIWMP or RAIWMP approved on or before December 31, 1995, an~~  
272 ~~annual report is due August 1, 1996, and each August 1~~  
273 ~~thereafter. For counties or regional agencies who have a CIWMP~~  
274 ~~or RAIWMP approved on or after January 1, 1996, an annual report~~  
275 ~~is due August 1 of the year following CIWMP or RAIWMP approval~~  
276 ~~and each August 1 thereafter. The report shall serve as a basis~~  
277 ~~for determining if the Siting Element and Summary Plan should be~~  
278 ~~revised to include additional disposal capacity, reflect new or~~  
279 ~~changed local and regional solid waste management issues, and if~~  
280 ~~the element's or plan's goals and objectives should be revised.~~  
281 ~~The county or regional agency shall submit an annual report which~~  
282 ~~addresses at least the following:~~

284 ~~(1) a summary of the county's or regional agency's progress~~  
285 ~~towards meeting the goals and objectives it has adopted~~  
286 ~~pursuant to Public Resources Code sections 41701 and 41751;~~

288 ~~(2) an evaluation of the adequacy of the existing~~  
289 ~~countywide or regionwide solid waste management system to~~  
290 ~~handle and dispose of the solid waste generated in the area~~  
291 ~~which cannot be diverted;~~

293 ~~(3) changes in the summary of the SRRE's, HHWE's, and~~  
294 ~~NDFE's as provided in Title 14, California Code of~~

295 ~~Regulations Section 18757.7,~~

296 ~~(4) changes in the permitted disposal capacity,~~

298 ~~(5) an update of the implementation schedule,~~

300 ~~(6) a review of the adequacy of the goals and objectives in~~  
301 ~~the Siting Element and the Summary Plan,~~

302 ~~(7) a timetable for making any necessary revisions to the~~  
303 ~~Siting Element, Regional Siting Element, Summary Plan or~~  
304 ~~Regional Summary Plan.~~

305  
306  
307  
308 ~~(b) Board Review of Annual Report. Upon receipt of the annual~~  
309 ~~report, the Board shall have at least 90 days, but not more than~~  
310 ~~120 days, with a median of 105 days, to review the annual report,~~  
311 ~~and determine if the county or regional agency is making progress~~  
312 ~~toward meeting the goals and objectives that it has adopted~~  
313 ~~pursuant to Public Resources Code sections 41701 and 41751. The~~  
314 ~~Board may direct the county or regional agency to revise its~~  
315 ~~Siting Element or Summary Plan following review of an annual~~  
316 ~~report. If the county or regional agency and/or the Board~~  
317 ~~determine that additional disposal capacity is needed to meet the~~  
318 ~~requirements of Public Resources Code section 41701, or if the~~  
319 ~~goals and objectives of the Siting Element and Summary Plan need~~  
320 ~~to be revised, then the county or regional agency shall revise~~  
321 ~~the document(s) pursuant to sections 18780 through 18784 of this~~  
322 ~~article.~~

323  
324 ~~NOTE: Authority: Section 40502, Public Resources Code.~~  
325 ~~Reference: Sections 40051, 40052, 41701, 41750, 41751, 41760,~~  
326 ~~and 41821, Public Resources Code.~~

327  
328  
329 Article 9.0 Annual Report Regulations

330  
331 Section 18794.0. General Requirements and Due Dates

332  
333 (a) Each jurisdiction shall submit an annual report that dis-  
334 cusses the progress achieved in implementing the programs and/or  
335 facilities described in a jurisdiction's Planning Documents.  
336 Planning Documents include the Source Reduction and Recycling  
337 Element (SRRE), Household Hazardous Waste Element (HHWE),  
338 Nondisposal Facility Element (NDFE), Siting Element (SE), Summary  
339 Plan, or Petition for Reduction.

340  
341 (b) The annual report shall also discuss the progress a juris-  
342 isdiction has made in achieving the disposal reduction goals re-  
343 quired by Public Resources Code (PRC) section 41780.

344  
345 (c) A jurisdiction includes a City, County, City and County, or  
346 Regional Agency, as defined in Section 18801.

347 (d) The annual report will serve as a basis for determining if  
348 any of the Planning Documents need to be revised to reflect new  
349 or changed local and regional solid waste management programs,  
350 facilities, and other conditions, as well as to determine compli-  
351 ance with the mandated disposal reduction goals.

352  
353 (e) Jurisdictions shall submit the annual report as follows:

354  
355 (1) Jurisdictions with Planning Documents approved or con-  
356 ditionally approved prior to January 1, 1996, shall submit  
357 their first annual report on these approved documents by  
358 August 1, 1996.

359  
360 (2) Jurisdictions that did not have any Planning Documents  
361 approved or conditionally approved prior to January 1, 1996  
362 shall submit their first annual report by August 1 of the  
363 year following Board-approval or conditional approval of a  
364 Planning Document.

365  
366 (3) Jurisdictions shall submit subsequent annual reports  
367 every August 1 thereafter, that address all of a  
368 jurisdiction's Planning Documents that have been approved or  
369 conditionally approved by the Board either during, or prior  
370 to, the previous calendar year.

371  
372 (f) Jurisdictions shall submit three copies of the annual re-  
373 port.

374  
375 (g) If a jurisdiction includes information on disaster wastes in  
376 its annual report, "disaster" shall mean a natural catastrophe  
377 such as an earthquake, fire, flood, landslide, or volcanic erup-  
378 tion, or regardless of cause, any explosion, fire, or flood. In  
379 order to be considered a disaster, a local emergency or a state  
380 of emergency shall have been duly proclaimed.

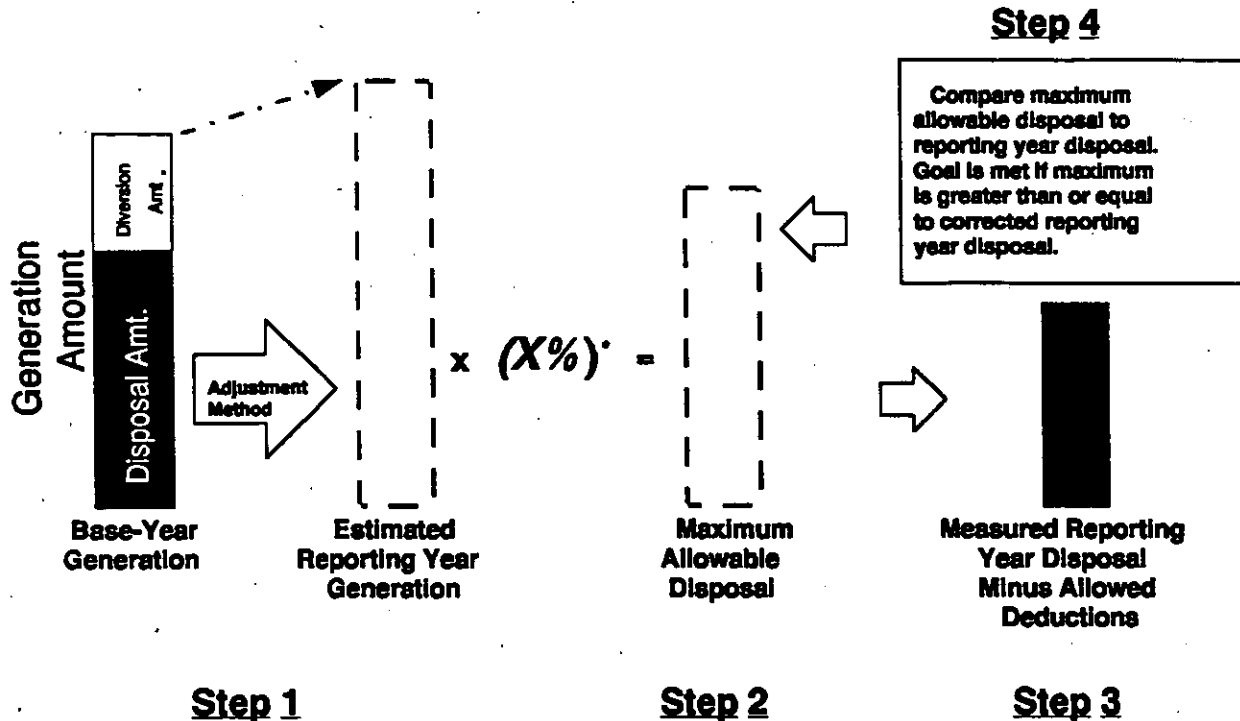
381  
382 Note: Authority cited: Section 40502, Public Resources Code.  
383 Reference: Sections 40050, 40051, 40052, 40901, 41000, 41300,  
384 41500, 41510, 41700, 41730, 41731, 41750, 41750.1, 41751, 41780,  
385 41801.5, 41821, and 41850 Public Resources Code.

386  
387  
388 Section 18794.1. Goal Achievement Calculations

389  
390 (a) A jurisdiction's annual report shall include the  
391 calculations described in this Section to measure achievement of  
392 the disposal reduction requirements of PRC section 41780. The  
393 diagram below shows the sequence of the calculations.  
394



# MEASURING GOAL ACHIEVEMENT



\* Where X% is normally 0.75 for years 1995 to 1999, and 0.50 for year 2000, unless a jurisdiction has a Board-approved disposal reduction goal.

(b) Step 1. A jurisdiction shall first adjust its Board-approved base-year generation amount, as required in Section 18797.3. This adjustment yields the estimated reporting year generation amount.

(c) Step 2. A jurisdiction shall next calculate its maximum allowable disposal tonnage, as follows:

(1) A jurisdiction without a Board-approved petition for reduction in the goal shall multiply its estimated reporting year generation amount by 0.75 (75%) for the years 1995 through 1999, and by 0.50 (50%) for the year 2000.

(2) A jurisdiction with a Board-approved petition for reduction in the goal, except for a jurisdiction that is a region as described in (3) below, shall multiply its estimated reporting year generation amount by the difference between 100% and the reduced goal. For example, if the reduced goal for 1995 is 15%, then the estimated reporting year generation amount would be multiplied by 85% (100% - 15% = 85%).

418  
419 (3) A region that has at least one member agency that has a  
420 Board-approved petition for reduction in the goal, but does  
421 not have a reduced goal for the region as a whole, shall  
422 calculate its maximum allowable disposal as specified in PRC  
423 Section 41787.2.  
424

425 (d) Step 3. A jurisdiction shall next deduct any tonnages from  
426 the reporting year disposal tonnage calculated pursuant to  
427 Section 18813 which it is authorized to subtract because:  
428

429 (1) it meets the criteria in PRC section 41782 for claiming  
430 a reduction in its disposal tonnage because of a regional  
431 diversion facility, or regional medical waste treatment  
432 facility; and/or  
433

434 (2) it has disposed of additional amounts of solid waste as  
435 a result of a disaster.  
436

437 These deductions yield the corrected reporting year disposal  
438 tonnages.  
439

440 (e) Step 4. A jurisdiction shall then compare its maximum  
441 allowable disposal tonnage (from Step 2) to its corrected  
442 reporting year disposal tonnage (from Step 3). The goal has been  
443 met if the maximum allowable tonnage is greater than or equal to  
444 the corrected reporting year disposal tonnage.  
445

446  
447 NOTE: Authority cited: Section 40502, Public Resources Code.  
448 Reference: Sections 41780, 41780.1, 41780.2, 41781, 41782,  
449 41787.2, 41821, 41821.5, and 41850, Public Resources Code.  
450

#### 451 452 Section 18794.2. Reporting Requirements for Calculations 453

454 (a) Jurisdictions who were incorporated prior to January 1, 1995  
455 and who submit their first annual report in 1997 or later, shall  
456 include their disposal reduction calculations for 1995, in addi-  
457 tion to their disposal reduction calculations for the current  
458 reporting year.  
459

460 (b) The information used for calculating the adjustment in  
461 Section 18794.1 (b) above, shall be included in a jurisdiction's  
462 annual report to the Board.  
463

464 (c) If a jurisdiction is a member of a Regional Agency, then a  
465 single combined report of the information shall be made for all  
466 the members of the Regional Agency.  
467

468 (d) The annual report shall include the information listed below  
469 for the calculated adjustment:

- 470 (1) Name of all jurisdictions included in the report  
471
- 472 (2) For the jurisdiction's base-year:  
473 (A) base-year  
474 (B) population factor number and data source used  
475 (C) employment factor number and data source used  
476 (D) uncorrected taxable sales factor number and data  
477 source used  
478 (E) consumer price index number and data source used  
479 (F) residential generation tonnage amount  
480 (G) non-residential generation tonnage amount.  
481
- 482 (3) For the jurisdiction's reporting-year:  
483 (A) reporting-year  
484 (B) population factor number and data source used  
485 (C) employment factor number and data source used  
486 (D) uncorrected taxable sales factor number and data  
487 source used  
488 (E) consumer price index factor number and data source  
489 used  
490 (F) a copy of all interim calculations used to reach  
491 the adjusted base-year tonnage amount  
492 (G) estimated reporting-year generation as calculated  
493 using the equations in Section 18797.3.  
494
- 495 (e) In addition to the information required by this Section, a  
496 jurisdiction may also submit in its annual report any other  
497 information it wishes the Board to consider relating to the base-  
498 year waste generation tonnage amounts, adjustment factors, or  
499 calculations. The additional information may include a  
500 discussion of why the adjustment method as described in Section  
501 18797.3 may not fully represent a jurisdiction's local  
502 conditions, and what additional adjustments would be needed.  
503
- 504 (f) If a jurisdiction made an adjustment in its reporting year  
505 disposal tonnages because of a regional medical waste treatment  
506 facility or regional diversion facility located within its  
507 borders, it shall provide the Board with documentation  
508 demonstrating it meets the criteria specified in PRC section  
509 41782 for making such an adjustment.  
510
- 511 (g) If a jurisdiction made an adjustment in its reporting year  
512 disposal tonnages because of a disaster, it shall provide the  
513 Board with documentation demonstrating that:  
514
- 515 (1) the tonnages subtracted resulted from the disaster;  
516  
517 (2) the jurisdiction implemented to the extent feasible,  
518 diversion programs to maximize diversion through reuse,  
519 recycling, or composting of disaster-related solid waste;  
520 and,  
521

522 (3) the tonnages subtracted are consistent with the addi-  
523 tional tonnages reported by the facilities where the solid  
524 waste was disposed.  
525

526 (h) A jurisdiction may also provide additional information  
527 related to the tons of waste disposed in California including  
528 "host-assigned" waste as described in Sections 18809, 18810, and  
529 18811, or exported from California. The jurisdiction shall  
530 describe how this additional information was obtained.  
531

532 (i) If a jurisdiction's calculations as described in Section  
533 18794.1 above, show its disposal reduction goal has not been met,  
534 then a jurisdiction shall discuss in its annual report what  
535 possible problems may have prevented it from reaching its goal.  
536 Problems may include, but are not limited to:  
537

538 1) base-year inaccuracies;  
539

540 2) disposal reporting problems;  
541

542 3) changes in a jurisdiction's waste stream beyond the  
543 jurisdiction's control; or  
544

545 4) changes in the overall waste management system that may  
546 hinder achievement of the disposal reduction goals.  
547

548 NOTE: Authority cited: Section 40502, Public Resources Code.  
549 Reference: Sections 41780, 41780.1, 41782, 41813, 41821,  
550 41821.5, and 41850, Public Resources Code.  
551

### 552 Section 18794.3. SRRE/NDFE and HHWE Implementation 553

554  
555 (a) SRRE/NDFE Annual Report Requirements. Each jurisdiction  
556 shall monitor its reduction of solid waste and summarize in the  
557 annual report its progress toward achieving the mandated disposal  
558 reduction goals identified in PRC section 41780. The information  
559 provided will serve as a basis for determining whether a revision  
560 of a SRRE is needed. The SRRE/NDFE section of the annual report  
561 shall address at least the following:  
562

563 (1) Implementation status of selected programs;  
564

565 (2) If any selected programs were not implemented, provide  
566 an explanation;  
567

568 (3) Contingency programs or other measures that have been,  
569 or will be, implemented to help achieve the disposal  
570 reduction goals;  
571

572 (4) Changes to selected programs, implementation schedules,  
573 or funding sources;

574 (5) Efforts made to inform the public of selected programs  
575 and facilities, and to increase public participation;

577 (6) Any barriers that may prevent achievement of the  
578 disposal reduction goals;

580 (7) Any changes in the use of nondisposal facilities, both  
581 existing or planned;

583 (8) If a jurisdiction's calculations show its disposal  
584 reduction goal has not been met, then a jurisdiction may  
585 include an expanded discussion on items 1 through 7 above;

587 (9) Quantities and types of waste diverted through  
588 recycling and composting programs directly funded or  
589 operated by the jurisdiction including, but not limited to,  
590 contracts or franchises;

592 (10) If a jurisdiction funds or operates a program through  
593 contracts or franchises and the agreement does not contain  
594 program monitoring and reporting requirements providing the  
595 information required by (9) above, the jurisdiction may  
596 include this information at the time of the contract or  
597 franchise agreement renewal, or at the jurisdiction's five  
598 year revision, whichever comes first;

600 (11) The adequacy of, or the need to revise, the Solid  
601 Waste Generation Study or any other Component of the SRRE;  
602 and

604 (12) If a jurisdiction determines that a revision of the  
605 SRRE is necessary, the annual report shall contain a  
606 timetable for making the necessary revisions.

608 (b) HHWE Annual Report Requirements. Each jurisdiction shall  
609 summarize in the annual report its progress toward reducing or  
610 eliminating household hazardous waste (HHW). The information  
611 provided will serve as a basis for determining whether a revision  
612 of a HHWE is needed. The HHWE section in the annual report shall  
613 address at least the following:

614 (1) Implementation status of selected programs;

616 (2) An explanation why any selected programs were not  
617 implemented;

619 (3) An explanation why any programs that were implemented  
620 did not achieve expected reduction of HHW disposal;

622 (4) Contingency programs or measures that have been or will  
623 be implemented to increase efforts or effectiveness in  
624 achieving reduction or elimination of HHW disposal;  
625

626 (5) Changes to selected programs, implementation schedules,  
627 or funding sources;

628  
629 (6) Efforts made to inform the public of HHW collection  
630 events or facilities;

631  
632 (7) Any barriers that may prevent the reduction or  
633 elimination of HHW disposal;

634  
635 (8) The adequacy of, or the need to revise, the HHWE; and  
636

637 (9) If a jurisdiction determines that a revision of the  
638 HHWE is necessary, the annual report shall contain a  
639 timetable for making the necessary revisions.  
640

641  
642 NOTE: Authority Cited: Section 40502, Public Resources Code.  
643 Reference: Sections 40901, 40973, 41000, 41032, 41033, 41300,  
644 41500, 41510, 41780, 41787, 41787.1, 41787.2, 41802, and 41821,  
645 Public Resources Code.  
646

647 Section 18794.4. Siting Element and Summary Plan Status  
648

649 (a) Each county or regional agency shall include in its annual  
650 report a discussion on the status of its Siting Element and  
651 Summary Plan. The information provided shall serve as a basis  
652 for determining if the Siting Element and/or Summary Plan should  
653 be revised.  
654

655 (b) The Siting Element section in the annual report shall  
656 address at least the following:  
657

658 (1) Any changes in the remaining disposal capacity  
659 description provided pursuant to Section 18755.5 since the  
660 Siting Element was adopted;  
661

662 (2) Whether the county or regional agency has  
663 maintained, or has a strategy which provides for the  
664 maintenance of, 15 years of disposal capacity;  
665

666 (3) The adequacy of, or the need to revise, the Siting  
667 Element; and  
668

669 (4) If a jurisdiction determines that a revision of the  
670 Siting Element is necessary, the annual report shall contain  
671 a timetable for making the necessary revisions.  
672

673 (c) The Summary Plan section in the annual report shall address  
674 at least the following:  
675

676 (1) Any changes in the financing of countywide or regional  
677 programs and/or facilities and why these changes occurred;

678 (2) Whether new cities within the county or regional agency  
679 have incorporated since the adoption of the Summary Plan.  
680 For each new city, the city's name, date of incorporation,  
681 and population at time of incorporation shall be provided;  
682 and

683  
684 3) If a jurisdiction determines that a revision of the  
685 Summary Plan is necessary, the annual report shall contain a  
686 timetable for making the necessary revisions.  
687

688 NOTE: Authority: Section 40502, Public Resources Code.  
689 Reference: Sections 40051, 40052, 40703, 41701, 41721, 41721.5,  
690 41751, 41770, and 41821, Public Resources Code.  
691

692 Section 18794.5. Status of Qualifying Conditions for Board-  
693 approved Petitions for Reduction  
694

695 (a) Jurisdictions with a Board-approved petition for reduction  
696 shall address the following in their annual reports:  
697

698 (1) Whether the jurisdiction still qualifies to petition  
699 for the reduction as discussed in Section 18775(a);  
700

701 (2) Whether the reduction is still needed, based on the  
702 Board-approved petition and items addressed in Section  
703 18775(c).  
704

705 (b) The Board may, upon review of the annual report, find that a  
706 revision or revocation of the reduction is necessary. The Board  
707 shall present any such findings at a public hearing.  
708

709 NOTE: Authority cited: Section 40502, Public Resources Code.  
710 Reference: Sections 40973, 41787, 41787.1, 41802 and 41821,  
711 Public Resources Code.  
712

713  
714 Section 18794.6. Addressing an Area-of-Concern, or Conditionally  
715 Approved Planning Documents  
716

717  
718 (a) Reporting Requirements for Areas-of-Concern. Each  
719 jurisdiction with a Planning Document for which the Board  
720 identified an area-of-concern at the time it was approved or  
721 conditionally approved, may address the concern in its annual  
722 report. Once the concern has been adequately addressed by the  
723 jurisdiction, it no longer needs to be addressed in subsequent  
724 annual reports. If a jurisdiction does not adequately address an  
725 area of concern in the annual report, the Board may consider it  
726 during its biennial review pursuant to PRC section 41825.  
727

728 (b) Reporting Requirements for Conditional Approvals. Each  
729 jurisdiction with a Planning Document that was conditionally

730 approved by the Board shall discuss how it has met the conditions  
731 in its annual report. The conditions are listed in the  
732 Resolution in which the Board conditionally approved the planning  
733 document. The Resolution is attached to the Notification letter  
734 sent to a jurisdiction pursuant to PRC section 41810. Once the  
735 conditions have been adequately addressed, they no longer need to  
736 be addressed in subsequent annual reports.

737  
738 NOTE: Authority cited: Section 40502, Public Resources Code.  
739 Reference: Sections 41801.5, 41802, 41810, and 41821, Public  
740 Resources Code.

741  
742  
743 **Article 9-3, 9.1** **Adjustment Method for Calculating**  
744 **Changes in Waste Generation Tonnage.**

745  
746 **Section ~~18827~~ 18797.0** **Scope and Purpose**

747  
748 (a) The primary purpose of this Article is to implement Section  
749 41780.1(c) of the Public Resources Code.

750  
751 (b) The adjustment method described in this Article has been  
752 selected by the Board as the standard method that shall be used  
753 to adjust the base-year generation tonnage amount. The resulting  
754 adjusted base-year generation tonnage number is an estimate of  
755 the generation tonnage in the reporting-year. This number will  
756 be used to calculate a jurisdiction's maximum allowable disposal  
757 amount, pursuant to Section ~~18726-1~~ 18794.1(c).

758  
759 NOTE: Authority: Sections 40502, and 41780.1 of the Public  
760 Resources Code. Reference: Sections 41780.1, 41780.2, 41781,  
761 and 41821 of the Public Resources Code.

762  
763 **Section ~~18828~~ 18797.1** **Definitions**

764  
765 (a) For the purposes of this Article, the following terms have  
766 the meanings given below.

767  
768 (1) "Jurisdiction" means a city, county, city and county,  
769 or regional agency with responsibility for waste management.  
770 This definition is in addition to the definition found in  
771 Section 18720 (a) (33).

772  
773 (2) "Region" means an entity formed pursuant to Sections  
774 40970 through 40975 of the Public Resources Code. This  
775 definition supersedes the definition found in Section 18720  
776 (a) (57).

777  
778 (3) "Residential Solid Waste" means all solid waste  
779 originating from single-family and multi-family dwellings,  
780 including self-haul wastes from residential sources. This  
781 definition is in addition to the definition in Section 18720



782 (a) (59).

783  
784 (4) "Non-Residential Solid Waste" means all solid waste  
785 other than residential solid waste, including self-haul  
786 waste from non-residential sources.

787  
788 (5) "Base-Year Generation" means the combined base-year  
789 tonnage amount of disposed and diverted wastes, as approved  
790 by the Board pursuant to Section 41801 of the Public  
791 Resources Code.

792  
793 (6) "Reporting-Year Generation" means the estimate of a  
794 jurisdiction's combined tonnage of disposed and diverted  
795 wastes for any calendar year following the base-year. The  
796 Reporting-Year Generation estimate is derived by using the  
797 adjustment method set forth in this Article to adjust the  
798 base-year generation tonnage amount.

799  
800 (7) "Adjustment Method" means the method selected by the  
801 Board for jurisdictions to use in adjusting their base-year  
802 generation tonnage to account for changes in population,  
803 employment, taxable sales, and inflation occurring between  
804 the base-year and the reporting-year as described in this  
805 Article.

806  
807 (8) "Adjustment factors" means population, employment,  
808 taxable sales, and inflation numbers as used in the  
809 adjustment method.

810  
811 NOTE: Authority: Sections 40502, and 41780.1 of the Public  
812 Resources Code. Reference: Sections 41780.1, 41780.2, 41781,  
813 and 41821 of the Public Resources Code.

814  
815  
816 Section ~~18829~~ 18797.2 Adjustment Factor Sources

817  
818 A jurisdiction shall perform the adjustment method using  
819 adjustment factor sources as follows:

820  
821 (a) A jurisdiction shall use the following sources for county  
822 level factor numbers for any given calendar year:

823  
824 (1) Employment: as reported by the California Employment  
825 Development Department.

826  
827 (2) Population: as reported by the California Department of  
828 Finance.

829  
830 (3) Inflation: as represented by the consumer price index  
831 reported by the U.S. Department of Labor Bureau of Labor  
832 Statistics.

(4) Taxable Sales: as reported by the California State Board of Equalization.

(b) Notwithstanding subdivision (a) of this Section, if a jurisdiction believes that any of the adjustment factor numbers do not validly represent the jurisdiction's population and/or economy, a jurisdiction may instead perform the adjustment method using one or more county-specific or jurisdiction-specific factor numbers from other sources, if the following conditions are met:

(1) A jurisdiction shall select a scientifically reliable, third party source for each of the jurisdiction-supplied adjustment factor numbers used. Possible sources include, but are not limited to, studies by the U.S. Census, State Agencies, Regional Councils of Government, Municipal Chambers of Commerce, accredited Universities or Colleges, or professionally recognized consultants in the field of economics, geography, or demographics. A jurisdiction shall submit a copy of each source document used to the Board at the time of the annual report.

(2) For each factor, the jurisdiction shall use the same source for both the base-year factor number and the reporting-year factor number when performing the calculations.

(3) Board approval of the use of alternative sources. In reviewing alternative sources, the Board shall consider any jurisdiction-supplied adjustment factor numbers and sources to determine if they meet the requirements of subdivision (b)(1) of this Section. If the Board disapproves any adjustment factor numbers and/or sources, a jurisdiction may choose other factor numbers and/or sources for Board consideration.

NOTE: Authority: Sections 40502, and 41780.1 of the Public Resources Code. Reference: Sections 41780.1, 41780.2, 41781, and 41821 of the Public Resources Code.

~~Section 18830.~~ 18797.3 Adjustment Method Calculation

(a) If a jurisdiction is a Region, then the tonnage amounts, and adjustment factor numbers for all cities and unincorporated counties included in the Region's regional agreement, shall be summed before calculating the single adjustment for the region's base-year generation.

(b) Before calculating the adjustment, a jurisdiction shall separate the base-year generation tonnage by source into residential and non-residential amounts. If a jurisdiction

cannot derive the actual residential and non-residential amounts from its records, the jurisdiction may make a best estimate of how much of their base-year generation is from residential sources and how much is from non-residential sources.

(c) When calculating the values in subdivision (d) and the adjustment calculation in subdivision (e), a jurisdiction shall use the terms as defined below:

RWGB	=	Base-Year Residential Waste Generation in Tons
NRWGB	=	Base-Year Non-Residential Waste Generation in Tons
PR	=	Reporting-Year Population in Persons
PB	=	Base-Year Population in Persons
ER	=	Reporting-Year Employment in Jobs
EB	=	Base-Year Employment in Jobs
TR	=	Reporting-Year Taxable Sales in Dollars
TB	=	Base-Year Taxable Sales in Dollars
CPIR	=	Reporting-Year Consumer Price Index
CPIB	=	Base-Year Consumer Price Index

For example, in the hypothetical jurisdiction of "Surfcity":

RWGB	=	15,000 tons
NRWGB	=	20,000 tons
PR	=	12,000 persons
PB	=	10,000 persons
ER	=	6,000 jobs
EB	=	5,500 jobs
TR	=	3,100,000 dollars
TB	=	3,000,000 dollars
CPIR	=	154.0

$$\text{CPIB} = 130.7$$

(d) Before performing the adjustment calculation, a jurisdiction shall calculate values for the four equations below:

(1) IM = Inflation Multiplier:

$$\frac{\text{CPIB}}{\text{CPIR}}$$

For example:

$$\begin{aligned} &= \frac{130.7}{154.0} \\ &= 0.8487 \end{aligned}$$

(2) CTR = Corrected Reporting-Year Taxable Sales in Dollars:

$$(\text{TR}) \times (\text{IM})$$

For example:

$$\begin{aligned} &= (3,100,000) \times (0.8487) \\ &= 2,630,970 \end{aligned}$$

(3) NRAF = Non-Residential Adjustment Factor:

$$\frac{(\text{ER} / \text{EB}) + (\text{CTR} / \text{TB})}{2}$$

For example:

$$\begin{aligned} &= \frac{(6,000 / 5,500) + (2,630,970 / 3,000,000)}{2} \\ &= 0.984 \end{aligned}$$

(4) RAF = Residential Adjustment Factor:

$$\frac{(\text{PR} / \text{PB}) + \text{NRAF}}{2}$$

For example:

$$\begin{aligned}
 & (12,000/10,000) + (0.984) \\
 & = \frac{\quad\quad\quad}{2} \\
 & = 1.092
 \end{aligned}$$

(e) Using the variables defined in subdivisions (c) and (d) above, a jurisdiction shall calculate the adjusted base-year generation tonnage using the equation below:

ERYG = Estimated Reporting-Year Generation:

$[(RWGB) \times (RAF)] + [(NRWGB) \times (NRAF)]$

For example:

$= [(15,000) \times (1.092)] + [(20,000) \times (0.984)]$

$= 36,060 \text{ tons}$

NOTE: Authority: Sections 40502, and 41780.1 of the Public Resources Code. Reference: Sections 41780.1, 41780.2, 41781, and 41821 of the Public Resources Code.

~~[Section 18831. 18797.4 Reporting Requirements]~~

~~[(a) A jurisdiction must submit all information required by this Article as part of the jurisdiction's Annual Report to the Board.]~~

~~(b) If a jurisdiction is a Region, then a single combined report of the information required by this Article shall be made for the cities and unincorporated counties included in the Region's regional agreement, as part of the regions's Annual Report to the Board.~~

~~(c) The Annual Report shall include the information listed below for the calculated adjustment:~~

~~(1) Name of all jurisdictions included in the report~~

~~(2) Jurisdiction's base year:~~

~~(A) year of base year~~

~~(B) population factor number and data source used~~

~~(C) employment factor number and data source used~~

~~(D) uncorrected taxable sales factor number and data source used~~

~~(E) consumer price index number and data source used~~

~~(F) residential generation tonnage amount~~

~~(G) non-residential generation tonnage amount.~~

- ~~(3) Jurisdiction's reporting year:~~  
~~(A) year of reporting year~~  
~~(B) population factor number and data source used~~  
~~(C) employment factor number and data source used~~  
~~(D) uncorrected taxable sales factor number and data source used~~  
~~(E) consumer price index factor number and data source used~~  
~~(F) a copy of all interim calculations used to reach the adjusted base year tonnage amount~~  
~~(G) estimated reporting year generation as calculated using the equations in Section 18830.~~

~~(d) In addition to the information required by this Article, a jurisdiction may also submit any other information it wishes the Board to consider relating to the base year waste generation tonnage amounts, adjustment factors, or calculations. The additional information may include a discussion of why the adjustment method as described in this article may not fully represent a jurisdiction's local conditions, and what additional adjustments would be needed. The information shall be included in the jurisdiction's Annual Report to the Board.~~

~~[NOTE: Authority: Sections 40502 and 41780.1, of the Public Resources Code. Reference: Sections 41780.1, 41780.2, 41781, and 41821, of the Public Resources Code.]~~

## **Article 9-0 9.2 Disposal Reporting System.**

### **Section 18800. Scope and Purpose.**

(a) This Article implements Section 41821.5 of the Public Resources Code.

(b) Each jurisdiction in California must adopt a Source Reduction and Recycling Element showing how it will meet the diversion goals in Section 41780 of the Public Resources Code. Diversion goal achievement is one of the factors that the Board will consider in its biennial review of Source Reduction and Recycling Element implementation pursuant to Section 41825 of the Public Resources Code. To determine if it has met the goals, a jurisdiction will need to calculate how much solid waste it has disposed. The Disposal Reporting System in this Article shall be used to estimate the amount of disposal from each jurisdiction. The amount of disposal shall be compared to the maximum disposal tonnages calculated in Section ~~18726.1~~ 18794.1 of Article ~~6-1~~ 9.0.

(c) Nothing in this Article shall prevent an agency or a jurisdiction from requiring haulers or operators to supply

NOTE: Authority: Section 40502 of the Public Resources Code.  
Reference: Section 41821.5 of the Public Resources Code.

**Section 18813. Disposal Reporting Requirements for a Jurisdiction.**

(a) A jurisdiction shall use the information provided by agencies pursuant to this Article, to determine its quarterly and annual totals of:

- (1) tons disposed at each landfill,
- (2) tons that underwent transformation at each facility,
- (3) tons used by each landfill as alternative daily cover, and
- (4) tons exported from California.

(b) A jurisdiction shall also determine the tons of solid waste disposed from January 1, 1995 to December 31, 1995. A jurisdiction shall use this disposal amount for the purposes of measuring achievement of the 25% goal. This amount shall be the sum of solid waste from the jurisdiction, including:

- (1) the tons disposed at each permitted landfill,
- (2) the tons that underwent transformation at a permitted solid waste facility,
- (3) potential alternative daily cover material which is not used in accordance with the conditions set forth in the Board's approval to commence a demonstration project and in the Board's approval for its permanent use, unless it is otherwise diverted, and
- (4) the tons exported from California, unless sufficient information is provided by a jurisdiction to demonstrate that a portion of the waste was diverted.

(c) A jurisdiction shall also determine the tons of solid waste disposed from January 1, 2000 to December 31, 2000. A jurisdiction shall use this disposal amount for the purposes of measuring achievement of the 50% goal. This amount shall be the sum of solid waste from the jurisdiction, including:

- (1) the tons disposed at each permitted landfill,
- (2) the tons that underwent transformation at a permitted solid waste facility in excess of 10% of a jurisdiction's adjusted base-year generation as calculated in Section

1145 ~~18726.2~~ 18797.3, and pursuant to Section 41783, of the  
1146 Public Resources Code,  
1147

1148 (3) potential alternative daily cover material which is not  
1149 used in accordance with the conditions set forth in the  
1150 Board's approval to commence a demonstration project and in  
1151 the Board's approval for its permanent use, unless it is  
1152 otherwise diverted, and  
1153

1154 (4) the tons exported from California, unless sufficient  
1155 information is provided by a jurisdiction to demonstrate  
1156 that a portion of the waste was diverted.  
1157

1158 (d) In its annual report to the Board pursuant to Section  
1159 41821 (f) of the Public Resources Code, a jurisdiction shall  
1160 report the amounts determined pursuant to this section.  
1161

1162 (e) In its annual report to the Board, a jurisdiction may also  
1163 provide additional information related to the tons of waste  
1164 disposed in California including "host assigned" waste, or  
1165 exported from California for disposal. If the jurisdiction  
1166 provides additional information, the annual report shall describe  
1167 how it was obtained.  
1168

1169 NOTE: Authority: Section 40502 of the Public Resources Code.  
1170 Reference: Section 41821.5 of the Public Resources Code.



# NEGATIVE DECLARATION

## PROPOSED REVISIONS TO ANNUAL REPORTING REGULATIONS

### PROJECT DESCRIPTION

The project consists of proposed regulatory revisions which would amend Title 14, California Code of Regulations, Division 7, Chapter 9, Article 6.1, Section 18726.1; Article 7.0, Sections 18771 and 18775; Article 8.0, Section 18787; and Article 9.3, Section 18831. Article 9.0 will be renumbered to Article 9.2 and Article 9.3 will be renumbered to Article 9.1. A new Article 9.0, Sections 18794.0 to 18794.6 will be added. Public Resources Code (PRC) Section 41821(f) requires jurisdictions to monitor reductions in solid waste, and to submit an annual report to the Board summarizing the jurisdiction's progress toward achieving the mandated waste reduction goals identified in PRC Section 41780. The proposed revisions consolidate annual reporting requirements previously located in five articles, into one article. Reporting requirements are clarified and streamlined for ease of use by jurisdictions.

### FINDING

The regulations adopted by the California Integrated Waste Management Board will not have a significant effect on the environment. The attached initial study documents this finding.

Dated: \_\_\_\_\_

Pat Schiavo, Manager  
Waste Characterization and Analysis Branch  
Diversion, Planning and Local Assistance  
Division  
California Integrated Waste Management Board

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-430  
October 23, 1996

FOR CONSIDERATION OF ADOPTION OF THE NEGATIVE DECLARATION (SCH # 96-072082) FOR THE ANNUAL REPORTING REQUIREMENTS (CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 9, ARTICLE 9.0, SECTIONS 18794.0 - 18794.6).

WHEREAS, Board staff has completed a thorough environmental analysis and prepared an initial study indicating the proposed annual reporting regulations will not have a significant effect on the environment; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), and State CEQA Guidelines, [Title 14, Section 15074 (b)] require that prior to approval of a proposed project, the decision-making body of the Board, as Lead Agency, shall consider the proposed Negative Declaration for the adoption of the proposed regulations, together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, the Board has circulated the proposed Negative Declaration to public agencies through the State Clearinghouse, and has made the document available to the public as announced in three newspapers of general circulation throughout the State of California for the required time period and has held a public hearing to receive comments as specified by the State CEQA Guidelines, [Title 14, Section 15072(a)]; and

WHEREAS, the Board has reviewed and considered all comments received during the state agency and public review, and at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby deems the proposed Negative Declaration complete.

BE IT FURTHER RESOLVED, that the Board has determined that the project as proposed will not have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED, that the Board adopts the Negative Declaration, State Clearinghouse Number 96-072082.

BE IT FURTHER RESOLVED, that the Board directs staff to prepare and submit a Notice of Determination of the project as approved to the State Clearinghouse for filing as required by the State CEQA Guidelines (Title 14, California Code of Regulations Section 15075).

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

ATTACHMENT 4

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-431  
October 23, 1996

FOR CONSIDERATION OF ADOPTION OF THE PROPOSED REGULATIONS FOR THE ANNUAL REPORTING REQUIREMENTS (CALIFORNIA CODE OF REGULATIONS, TITLE 14, DIVISION 7, CHAPTER 9, ARTICLE 9.0, SECTIONS 18794.0 - 18794.6).

WHEREAS, Public Resources Code Section 40502 requires the Board to adopt regulations to carry out the mandates of solid waste management; and

WHEREAS, Section 41821(f) requires jurisdictions to submit an annual report to the Board summarizing their progress in reducing solid waste as required by Section 41780; and

WHEREAS, the Board has developed regulations to assist jurisdictions in developing their annual reports; and

WHEREAS, the Board held a 45-day public comment period on the proposed regulations (Notice File Number Z96-0709-01); and

WHEREAS, the Board held a public hearing on September 4, 1996 to consider public comments regarding the proposed regulations; and

WHEREAS, the Board held a 15-day public comment period on revisions to the proposed regulations; and

WHEREAS, the Board has taken comments received under consideration; and

WHEREAS, the Board has circulated a Negative Declaration (SCH # 96-072082) as required by Title 14 California Code of Regulations Section 15072(a), considered all comments received during the public review period and at the public hearing, and adopted a Negative Declaration for the proposed regulations; and

WHEREAS, since the Board has fulfilled all of the requirements of Government Code Sections 11340 et seq.; and Title 1, California Code of Regulations Sections 1 et seq.; and

WHEREAS, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board finds that no alternatives considered would be more effective in carrying out the purposes for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

NOW THEREFORE BE IT RESOLVED, that the Board hereby adopts the annual report regulations for codification in Title 14 of the California Code of Regulations, Division 7, Chapter 9, Article 9.0, and directs staff

to submit the regulations and rulemaking file to the Office of Administrative Law.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
October 23, 1996

**AGENDA ITEM 20**

**ITEM:** CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITY PERMIT FOR WESTERN EL DORADO RECOVERY SYSTEMS, INC., MATERIAL RECOVERY FACILITY, EL DORADO COUNTY

**I. PERMITTING AND ENFORCEMENT COMMITTEE ACTION:**

The Permitting and Enforcement Committee met on October 9, 1996, and voted 3-0 to recommend concurrence in the issuance of the proposed permit.

**II. BACKGROUND:**

Facility Facts

Name: Western El Dorado Recovery Systems, Inc.,  
Material Recovery Facility  
Facility No. 09-AA-0004

Facility Type: Large Volume Transfer Station and Material  
Recovery Facility

Location: Diamond Springs, El Dorado Co.

Area: 7.14 Acres

Setting: Industrial, commercial, residential

Operational Status: New facility; not operating

Permitted Tonnage: 400 tons per day

Owner/Operator: Western El Dorado Recovery Systems, Inc.  
David J. Dutra, Program Manager

LEA: Placer County Department of Health and Human  
Services, Environmental Health  
Richard Swenson, Director

**III. SUMMARY:**

Project Description

The facility is located approximately 2.5 miles south of the City of Placerville and approximately one quarter mile west of the State Route 49/Lime Kiln Road intersection in the industrial area

of Diamond Springs. Regional access to the area is provided by U.S. Highway 50 and State Route 49.

The proposed project includes the operation of a Materials Recovery Facility and Transfer Station (MRF) within a converted existing 60,000 square foot warehouse/office building. The MRF will accept refuse currently deposited at the Union Mine Landfill for separation and recycling. The MRF will process mixed municipal waste from residential, commercial and industrial operations.

Facility plans include a scalehouse, MRF building with office area, household hazardous waste storage area, buy back area, second-hand area, main and secondary processing lines, a waste water collection sump, and above ground leachate storage tanks. The MRF will be designed and permitted to process a maximum of 400 tons per day with an expected average daily throughput of 250 tons per day.

A scale house attendant will direct incoming commercial and public self-haul vehicles to the appropriate drop-off area. Attendants will manually pick recoverable materials from conveyor belts, sort, and drop them into the designated storage areas beneath the sorting lines. Nonrecyclable municipal solid waste will be transferred to the Union Mine Landfill located 8 miles south of the MRF.

The surrounding land uses within 1,000 feet of the site are zoned commercial, industrial, and residential. To the south of the property are eight residential parcels on Lime Kiln Road. The nearest residential property is approximately 200 ft. south of the facility. Main access to the site will be via a proposed new roadway which will connect the northeast corner of the site to Bradley Drive and on to Highway 49.

The MRF service area is the western slope of the unincorporated portion of El Dorado County, which includes one incorporated jurisdiction, the City of Placerville, and numerous unincorporated communities.

#### Environmental Controls

The Report of Station Information submitted for this facility describes environmental control measures which will minimize the effects of dust, litter, noise, odor, vectors, traffic, fire and hazardous waste. If operated according to these environmental controls, the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery

The MRF operator plans to divert approximately 17% of the recyclable materials in the County's western slope waste stream within the first year of operation, and 20% by the year 2,000. The MRF will also recycle used oil, latex paint and batteries.

**IV. ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on September 19, the last day the Board may act is November 18, 1996.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. The following table summarizes Board staff's analysis:

09-AA-0004	Acceptable	Unacceptable	To Be Determined	Not Applicable	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Conformance With State Minimum Standards				X	
California Environmental Quality Act	X				X
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	

In addition, Board staff offer the following detailed analysis:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The El Dorado County Planning Commission, acting as lead agency, adopted a Mitigated Negative Declaration (MND) for the project on July 14, 1994, and approved the associated Special Use Permit No. 94-08. The approval was appealed. The MND failed to assess potential impacts associated with traffic congestion, noise, odors, fire, and other issues. The appeal was denied, however, in June of 1995, the El Dorado Superior Court granted a preemptory writ requiring the preparation



of an environmental impact report (EIR) which addresses the traffic congestion issues. The Use Permit was suspended. The lead agency prepared a Draft Focused EIR which evaluates transportation impacts and the environmental impacts associated with providing adequate traffic flow to the site.

Significant unavoidable adverse traffic impacts on Missouri Flat Road were identified in the EIR. As a mitigation measure, the MRF would be responsible for its fair-share payment of Traffic Impact Mitigation Fees. The Final EIR was certified as approved by the El Dorado County Board of Supervisors on July 23, 1996, and a Notice of Determination was filed on July 24, 1996.

After reviewing the MND and EIR and responses to comments for the proposed project, Board staff have determined that CEQA documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

**V. STAFF RECOMMENDATION:**

Because a new Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 96-420 concurring in the issuance of Solid Waste Facility Permit No. 09-AA-0004.

**ATTACHMENTS:**

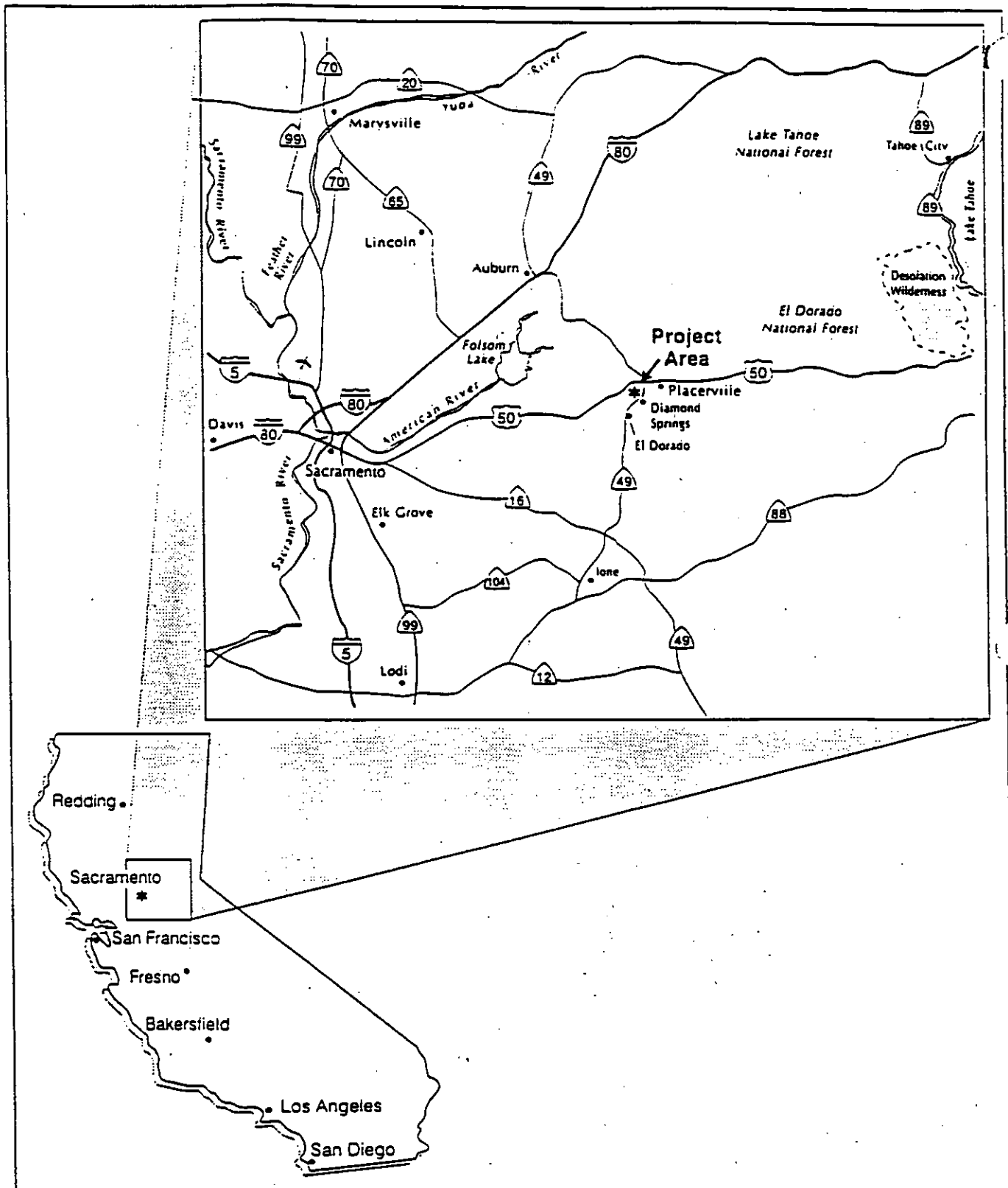
1. Location Map
2. Location Map
3. Site Map
4. Proposed Permit No. 09-AA-0004
5. Permit Decision No. 96-420

Prepared by: Sadie Galos *SG* Phone: 255-4163

Reviewed by: *GA* Garth Adams/*C.B.* Cody Begley Phone: 255-4165

Approved by: Dorothy Rice *D. Rice* Phone: 255-2431

Legal Review: *K. Hynes* K. Hynes Date/Time: 10/15/96



Source: Michael Brandman Associates, 1995.

Regional Vicinity

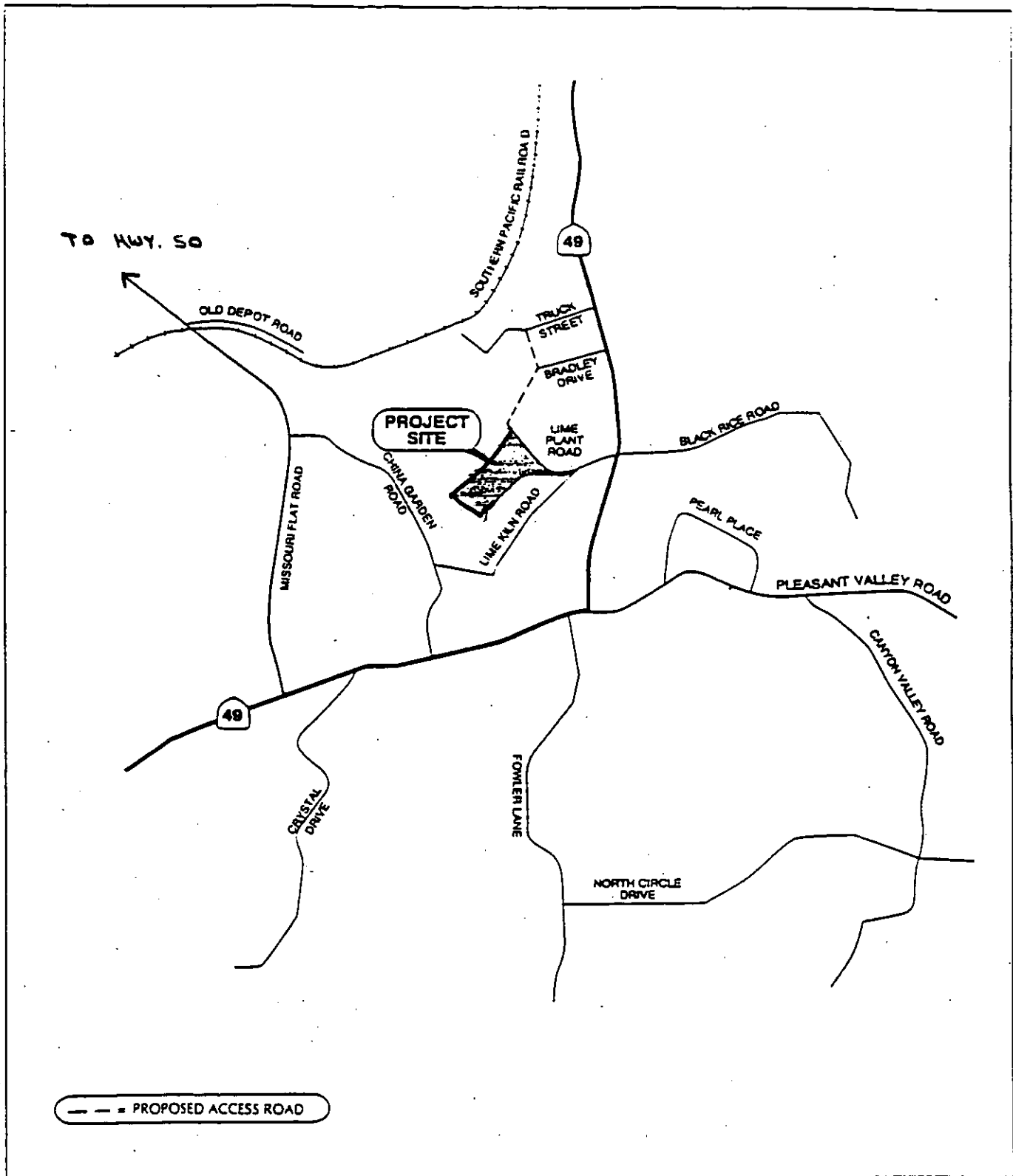
EL DORADO MRF

EXHIBIT 3-1

NOT TO  
SCALE



104



Source: Fehr & Peers Associates, Inc., 1996.

Study Area

EXHIBIT 4.1-1

EL DORADO MRF

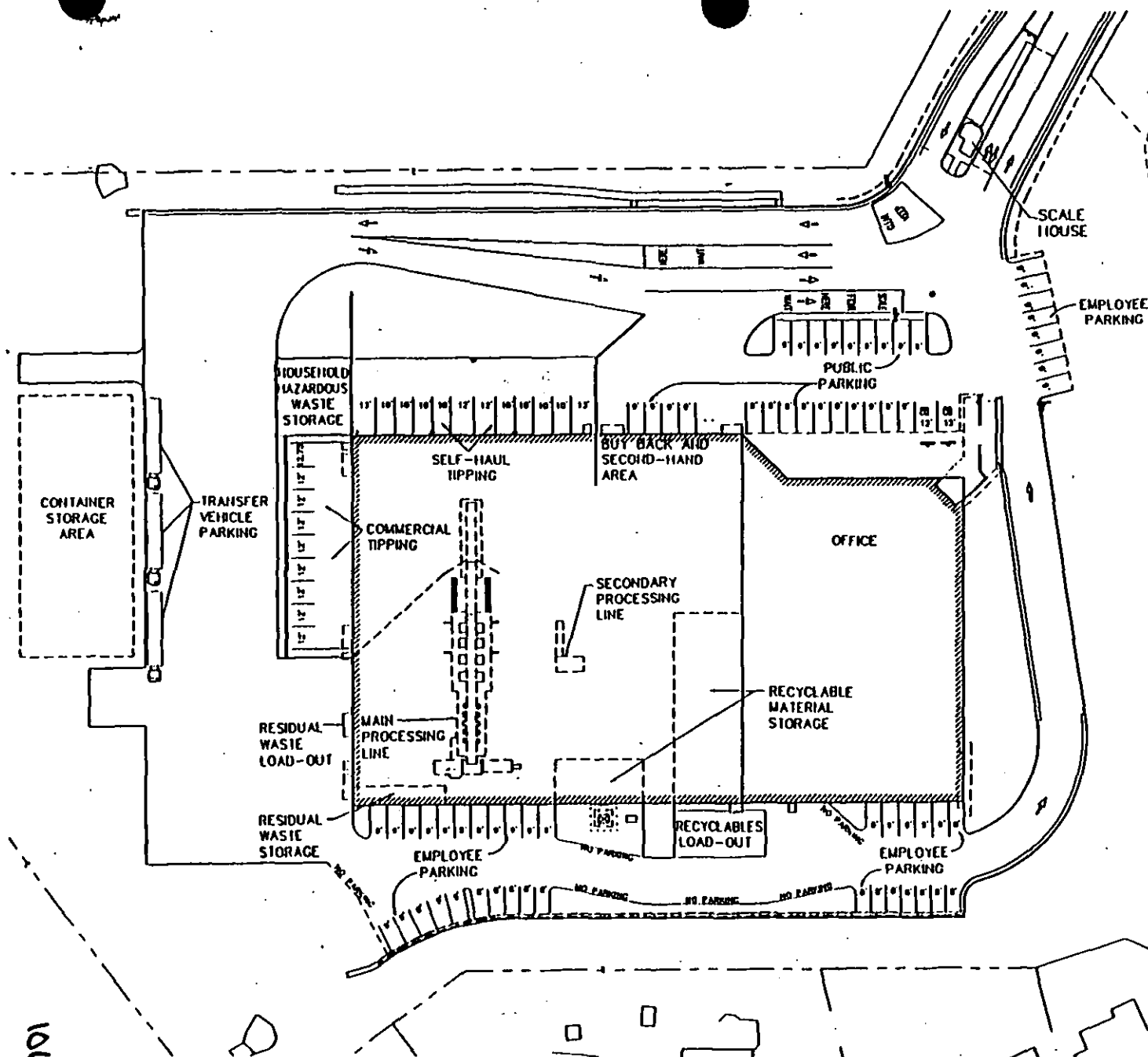
105

NOT TO  
SCALE



NORTH





ON-SITE IMPROVEMENTS  
WESTERN EL DORADO RECOVERY-MRF  
EL DORADO COUNTY, CALIFORNIA

## FACILITY USE DIAGRAM

# SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number:  
09-AA-0004

2. Name and Street Address of Facility:

Western El Dorado Recovery Systems MRF  
4100 Dimetrix Way  
Diamond Springs CA 95619

3. Name and Mailing Address of Operator:

Western El Dorado Recovery Systems  
Inc.  
P O Box 1510  
Diamond Springs CA 95619

4. Name and Mailing Address of Owner:

Western El Dorado Recovery Systems Inc.  
P O Box 1510  
Diamond Springs CA 95619

5. Specifications:

a. Permitted Operations:

<input type="checkbox"/> Composting Facility (mixed waste)	<input type="checkbox"/> Processing Facility
<input type="checkbox"/> Composting Facility (yard waste)	<input checked="" type="checkbox"/> Transfer Station
<input type="checkbox"/> Landfill Disposal Site	<input type="checkbox"/> Transformation Facility
<input checked="" type="checkbox"/> Material Recovery Facility	<input type="checkbox"/> Other:

b. Permitted Hours of Operation: 8:00 A.M. - 5:00 P.M. 7 days/week open to public for self-haul  
6:00 A.M. - 8:00 P.M. 7 days/week for salvage/recovery operations/commercial haulers

c. Permitted Tons Per Operating Day:

Total:	400	Tons/Day
Non-Hazardous - General	400	Tons/Day
Non-Hazardous - Sludge	N/A	Tons/Day
Non-Hazardous - Separated or commingled recyclables	100	Tons/Day
Non-Hazardous - (see Section 14 of Permit)	N/A	Tons/Day
Designated (See Section 14 of Permit)	N/A	Tons/Day
Hazardous (See Section 14 of Permit)	N/A	Tons/Day

d. Permitted Traffic Volume:

Total	380	Vehicles/Day
Incoming waste materials	382	Vehicles/Day
Outgoing waste materials (for disposal)	12	Vehicles/Day
Outgoing materials from material recovery operations	8	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	7.1 acres	N/A	7.1 acres	7.1 acres	N/A	N/A
Design Capacity		N/A cy	400 tpd	400 tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		N/A ft				
Max. Depth (Ft. BGS)		N/A ft				
Estimated Closure Date		N/A				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Richard H. Swenson, Deputy Director  
Placer County Environmental Health Services  
Name/Title

7. Enforcement Agency Name and Address:

Placer County Health and Human Services  
Environmental Health Services  
11454 8 Avenue  
Auburn CA 95603

8. Received by CIWMB:

SEP 19 1996

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issue Date:

**SOLID WASTE FACILITY PERMIT**

Facility/Permit Number: 09-AA-0004

12. **Legal Description of Facility:** A property description of the facility is provided within the RSI, pg 1-2. A map of the facility location is provided at figure 1-2 within the "Figures" section of the RSI.

13. **Findings:**

- a. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB), pursuant to Public Resources Code, Section 44010.
- b. The proposed design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.
- c. An environmental determination (i.e., Notice of Determination) is filed with the County Clerk and State Clearinghouse (#98022028) pursuant to Public Resources Code, Section 21081.6. (See Appendix A, RSI)
- d. A County-wide Integrated Waste Management Plan has been approved by the California Integrated Waste Management Board; the facility is identified and described in the non-disposal facility element in accordance with PRC 50001(a).

14. **Prohibitions:**

The permittee is prohibited from accepting the following: liquid wastes, hazardous wastes, and non-autoclaved medical waste.

Exception

The acceptance and temporary storage of wet cell batteries, used oil, and latex paint at designated locations is authorized.

Additional Prohibitions:

Scavenging is prohibited at the facility.

15. The following documents also describe and/or restrict the operation of this facility - RSI appendices are preceded by letter designations:

	Date:
(*) Report of Station Information	5/95; Revised 9/98
(A) Conditional Use Permit #94-08	8/49
(B) Negative Declaration	7/94
(C) Final Focussed EIR	6/96
(D) CUP 594-08R	7/96

**SOLID WASTE FACILITY PERMIT**

Facility/Permit Number: 09-AA-0004

**16. Self Monitoring:****a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:**

Program	Reporting Frequency	Agency Reported To
Total waste tonnage per month, that was transported from the facility and landfilled.	Quarterly (due January 15, April 15, July 15, and October 15).	LEA
Total tonnage of recyclables per month, that were removed from the facility.	Same as above	LEA
Number of vehicles per month hauling incoming waste materials.	Same as above	LEA
Number of vehicles per month hauling outgoing waste materials for disposal.	Same as above	LEA
Number of vehicles per month hauling outgoing materials from material recovery operations.	Same as above	LEA
Reports of special/unusual occurrences (See Item #17, LEA Conditions).	Same as above	LEA
Copies of facility inspection reports issued by other regulatory agencies.	Upon receipt	LEA

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 09-AA-0004

## 17. LEA Conditions:

1. The operator shall maintain a log of special/unusual occurrences that is available to the LEA. Where applicable, each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall include, but not be limited to the following:
  - a. Fires
  - b. Explosions
  - c. Significant accidents, injuries, or property damage
  - d. Unusual occurrences that involve hazardous wastes
  - e. Other
2. Should the LEA require additional information concerning the design or operation of this facility, the information shall be furnished upon request.
3. The LEA reserves the right to temporarily modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
4. The LEA reserves the right to require more stringent safety and accident prevention measures, if existing measures prove inadequate.
5. The operator shall comply with the load screening program described in the Report of Station Information, Appendix K. Any changes in the screening program must be approved by the LEA prior to implementation.
6. The operator shall maintain an employee training log that is available to the LEA. The log shall contain dates of training received by an employee and a description of the course or curriculum taken.
7. The operator shall retain a copy of this permit at the facility.
8. This facility shall recover for reuse or recycling, at least 5% of the total volume of material received by the facility.



**California Integrated Waste Management Board**  
**Permit Decision No. 96-420**  
**October 23, 1996**

**WHEREAS**, Placer County Department of Health and Human Services, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facility Permit for the Western El Dorado Recovery Systems, Inc., Material Recovery Facility; and

**WHEREAS**, the El Dorado County Planning Commission, the lead agency for CEQA review, prepared a Mitigated Negative Declaration and a Focused Environmental Impact Report (EIR) for the proposed project, and Board staff reviewed the EIR and provided comments to the lead agency on May 30, 1996; and mitigation measures were made a condition of the approval of the proposed project; and the lead agency adopted a Statement of Overriding Considerations as required by CEQA Guidelines, California Code of Regulations, Section 15093; and the final EIR was certified as approved by the El Dorado County Board of Supervisors on July 23, 1996, and a Notice of Determination was filed with the County Clerk on July 24, 1996; and

**WHEREAS**, the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

**WHEREAS**, the Board finds that applicable State and local requirements for the proposed permit have been met, including consistency with Board standards and conformance with the County Integrated Waste Management Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 09-AA-0004.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Lated:

Ralph E. Chandler  
Executive Director

111

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
October 23, 1996

AGENDA ITEM 2\

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
REVISED SOLID WASTE FACILITY PERMIT FOR THE HANFORD  
LANDFILL, KINGS COUNTY

COMMITTEE ACTION:

On October 9, 1996 the Permitting and Enforcement Committee voted 3-0 to recommend concurrence in the issuance of the proposed permit. Please note the changes from the Permitting and Enforcement Committee agenda item are reflected in this item by redline and ~~strikeout~~ for up-to-date information.

I. BACKGROUND

Facility Facts

Name: Kings County Waste Management Authority  
Hanford Landfill, Facility No. 16-AA-0009

Facility  
Type: Class III Landfill

Location: 7875 Hanford-Armona Road  
Hanford, CA

Setting: Zoned General Agricultural

Operational  
Status: Active; Operating under a Notice and Order

Permitted Daily  
Capacity: 100 Tons Per Day (TPD)

Proposed Daily  
Capacity: 484 (TPD)

Area: 94.5 acres, of which 71.8 acres are for  
landfilling

Waste Type: Mixed municipal; agricultural, and  
construction/demolition

Volumetric  
Capacity: 750,119 cubic yards. Remaining capacity as of  
April 22, 1995 is 347,861 cubic yards. Estimated  
Closure Date is October 1997.

Operator/

Owner: Kings County Waste Management Authority  
Donald E. Cluxton, Executive Director

LEA: Kings County Health Department  
Division of Environmental Health Services  
Keith Winkler, Director

Proposed Project

The proposed project would allow a tonnage increase from 100 TPD to 484 TPD; allow a vertical expansion from 247.5 feet to 267.5 feet above mean sea level to facilitate drainage and expand the life of the landfill from 1994 to 1997. The proposed project would also allow a change in the name of the operator from County of Kings, Department of Public Works to the Kings County Waste Management Authority.

**II. SUMMARY**

Site History The site's existing permit was issued to the County of Kings, Department of Public Works on August 5, 1985 allowing the operator to accept 100 TPD. In 1989, as a result of AB939, Kings County formed a Joint Powers Agreement, and thus, the Kings County Waste Management Authority (KCWMA) was created to manage the waste issues of the County.

On May 5, 1995 the Local Enforcement Agency determined that the operator was conducting operations outside the terms and conditions of the SWFP and on June 2, 1995 issued a Notice and Order (N&O) to the operator for accepting tonnage in excess of what was permitted under the 1985 SWFP. With the issuance of the N&O, the operator was required to submit a complete SWFP application. The N&O also allowed the operator to accept an average of 300 TPD and a maximum of 484 TPD, and to change the waste stream, adding types of wastes that could be accepted (e.g. triple rinsed pesticide containers, appliances, and tires). Currently, these wastes go directly to the adjacent KCWMA MRF. On August 14, 1995 the LEA received an application for a revision of the 1985 SWFP, and it was accepted for filing on August 29, 1995.

The LEA submitted a proposed permit on November 6, 1995 which was scheduled to be heard at the December 7, 1995 Permitting and Enforcement Committee Meeting. As part of a pre-permit inspection, on November 20, 1995 Board staff of the Enforcement Branch and the LEA conducted a joint inspection of the facility

and found violations of State Minimum Standards. The LEA consequently submitted a request to withdraw the proposed permit.

On May 9, 1996 the LEA re-submitted a SWFP package for the Hanford Landfill and on May 15, 1996 a proposed SWFP was received. On May 29, 1996 a pre-permit inspection conducted by Board staff and the LEA, again, revealed violations of State Minimum Standards, including presence of gas at excessive levels. As a result, the proposed permit was subsequently withdrawn.

Since then, the Board's policy for facilities with long-term violations has been followed. The LEA re-submitted a proposed permit on September 9, 1996.

#### Project Description

The facility is located at 7875 Hanford-Armona Road, Kings County, near the southeast corner of the intersection of Highway 43 and the Hanford-Armona Drive. Current land uses within 1,000 feet of the facility are primarily agricultural, with occasional commercial use and scattered residences, incidental to agricultural use. Land-use zoning is "General AG."

The property (approximately 150 acres) immediately south of the landfill is owned by KCWMA, where a Material Recovery Facility/Transfer Station (MRF/TS) has been built and is now operating. Adjacent to the MRF is a green materials Composting Facility, which is also operated by KCWMA. Both of these sites were permitted by the LEA on February 9, 1994. Wastes normally destined for disposal at the Hanford Landfill are processed at the MRF/TS. The landfill receives residual wastes from the MRF/TS.

The day-to-day operations are sub-contracted to Mitchell Brown General Engineering, Inc. The Landfill Supervisor is employed directly by KCWMA. Wastes are transported to the KCWMA complex (Landfill, MRF/TS and Composting facility) by New England CR Inc.

All vehicles entering the KCWMA complex use the same access roads and scales. Wastes will be dumped at the MRF/TS tipping floor, processed, and residuals for disposal will be transported by landfill operated vehicles to the working face via the access road which veers to the right from the exit lane along the MRF/TS entrance road, approximately in the middle west boundary of the landfill. Buildings at the site include the site superintendent's office and the contractor's office, which are located adjacent to the scale house at the Northwest corner of the site.

A typical cycle of operation is as follows. Incoming traffic is directed to the unloading pads at the working face. Landfill personnel direct the unloading of the refuse. After unloading, the waste is spread and pushed from the unloading pads onto the slope of the working face and is compacted. The slope of the working face is maintained at approximately 3:1 (horizontal/vertical). The refuse cells are maintained at approximately 2 feet thickness, covered with a minimum thickness of 6 inches of daily cover soil.

The Landfill will be open from 7:00 AM to 4:30 PM, Monday through Saturday; 8:00 AM to 4:30 PM, Sundays. The landfill will be closed on seven holidays per year.

Environmental Controls The operator intends to utilize strict operating practices to avoid creating any nuisance. The agricultural setting of the facility will facilitate this objective. Environmental Controls associated with dust, vectors and birds, drainage, litter, noise, odor and fire have been addressed in the Report of Disposal Site Information (RDSI), which also describes the hazardous waste screening program in a manner that, if applied as described, will meet State Minimum Standards.

Resource Recovery Recyclable materials are directly diverted to the adjacent KCWMA MRF from the scales. All waste received by the landfill goes through the MRF/Transfer Station, first.

### III. ANALYSIS

#### Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this site was received on September 9, 1996, the last day the Board could act is November 7, 1996.

The LEA has submitted a proposed permit to the Board. ~~At the time this item was prepared, a gas remediation plan was being reviewed by Board staff.~~ Board staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. The following table illustrates Board staff's analysis:

16-AA-0009	Accept- able	Unaccept- able	To Be Deter- mined	Not Appli- cable	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				
CoSWMP Conformance (PRC 50000)				X	
General Plan Conformance (PRC 50000.5)				X	
Conformance With State Minimum Standards			X		X
California Environmental Quality Act	X				X
Closure/Post-Closure Maintenance Plan	X				
Funding for Closure/Post-Closure Maintenance	X				
Operating Liability	X				

1. California Environmental Quality Act (CEQA)

State law mandates the preparation and certification of an environmental document for projects requiring discretionary approval by a public agency. In August 1990 the Kings County Planning Agency, as Lead Agency, prepared and circulated for comment a draft Program Environmental Impact Report (dated July 1990 and included as Volume 1 of the final EIR) for the proposed project (SCH# 90020289). A Notice of Completion for the Revised Draft EIR (dated March 1991 and included as Volume 2 of the final EIR) was issued on May 7, 1991. Subsequently, a Notice of Determination was filed with the County Clerk on October 23, 1991 for Conditional Use Permit No. 1532 - Closure of the Hanford Landfill.

The stated purpose of the program EIR was "to provide a comparative analysis of the potential environmental impacts of each of the possible waste management alternatives being considered..." It further acknowledged that, "[a]fter a specific waste management option has been approved by the Planning Commission and chosen by the Kings County Waste Management Authority for implementation, additional environmental reviews of that alternative may be required before a final permitting decision can be made."

It was found that Option A, vertical and lateral expansion of the Landfill, would result in significant unavoidable adverse environmental impacts from potential leachate migration, visual impact, and increased PM<sub>10</sub> and dust emissions. For these reasons, Option A was denied by the Kings County Board of Supervisors in Resolution No. 1173 on October 9, 1991. However, the County Board of Supervisors approved a vertical expansion so that the Landfill could be closed in compliance with State laws concerning drainage of closed sites. The

final document was adopted, with a Statement of Overriding Considerations for the effects of the project which cannot be fully mitigated, i.e., air quality related to significant emissions of fine particulate matter (PM<sub>10</sub>) and dust.

After reviewing the final EIR, Board staff requested and received a letter dated June 11, 1996 from the Kings County LEA which clarified the derivation of the requested maximum tonnage from the traffic analyses contained in the EIR. With the addition of this submittal, Board staff have determined that the CEQA documents are adequate for the Board's evaluation of the proposed project for those activities which are within this Agency's expertise and/or powers, or which are required to be carried out or approved by the Board.

2. Conformance with State Minimum Standards

As discussed under Site History (Page Two), on November 20, 1995 and on May 29, 1996 Board staff and the LEA conducted pre-permits inspections which revealed violations of State Minimum Standards, including presence of gas. Based on the Board's policy for facilities with long-term violations, on July 10, 1996 the LEA issued a Notice and Order requiring the operator to submit a gas remediation plan. On August 27, 1996 Board staff and the LEA conducted a subsequent pre-permit inspection which revealed no violations of State Minimum Standards with the exception of gas. On September 16, 1996 Board staff received a copy of a Draft Gas Remediation Plan. Board staff is currently reviewing the Plan. Board staff have reviewed the Plan and determined its adequacy.

IV. STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit has been proposed, the Board must either concur with or object to the issuance of the permit as submitted by the LEA.

~~Staff is currently reviewing the adequacy of the gas Remediation Plan for the Hanford Landfill. Because of this, staff is not able to make a recommendation at this time. A recommendation will be made at the Permitting and Enforcement Committee Meeting.~~

Staff recommend that the Board adopt Permit Decision No. 96-422, concurring in the issuance of Solid Waste Facility Permit No. 16-AA-0009.

**V. ATTACHMENTS**

1. Location Map
2. Site Map
3. Permit No. 16-AA-0009
4. Permit Decision No. 96-422

**VI. APPROVALS**

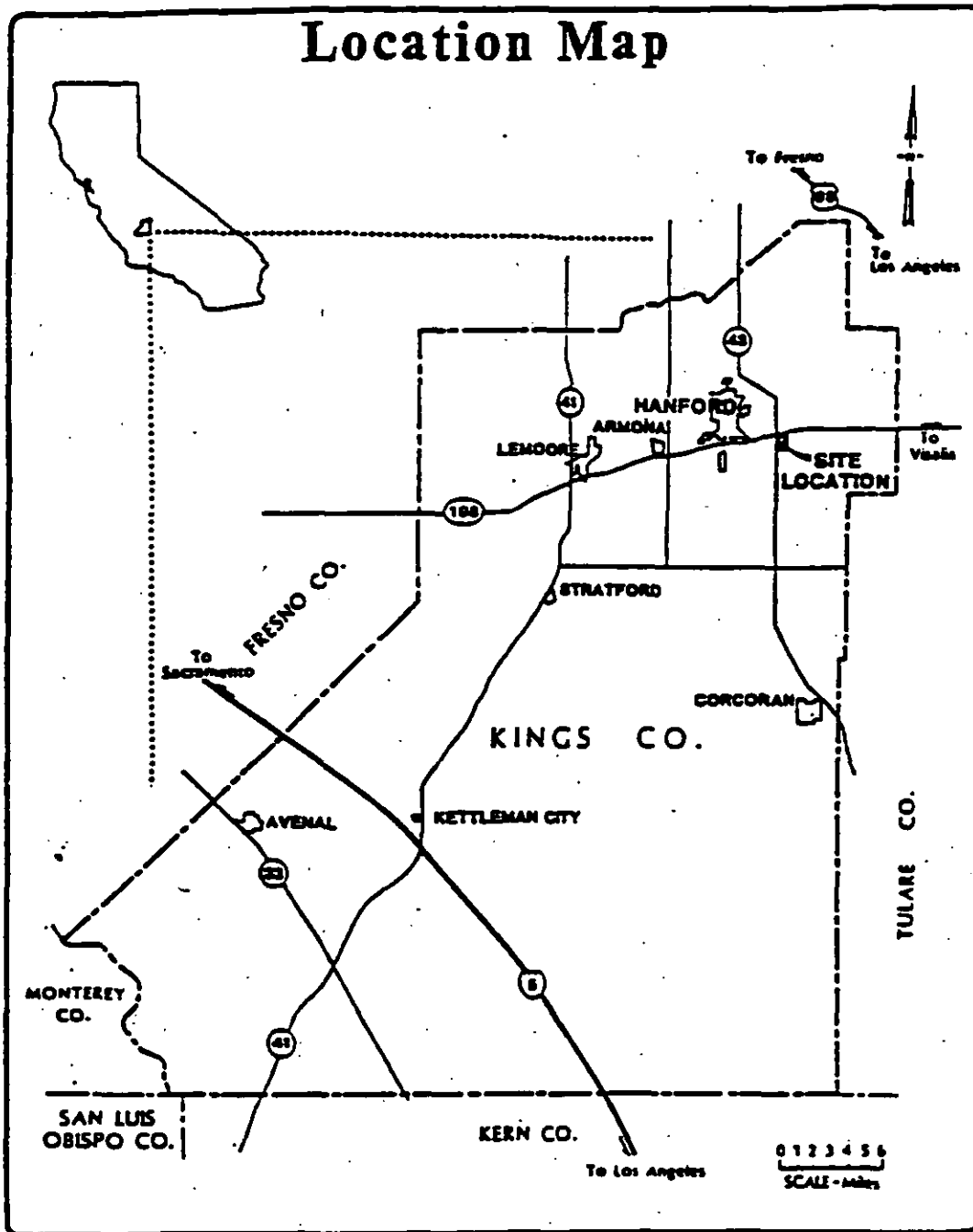
Prepared by Amalia Fernandez *AF 10/10/96* Phone: 255-3301

Reviewed by Suzanne Hambleton *SH 10/10/96* Phone: 255-2453

Approved by: Dorothy Rice *D. Rice 10/11/96* Phone: 255-2431

Legal Review: Kathryn J. Johnson Date/Time 10/15/96





Source: Emcon Assoc., 1993



1/4 CON 4 10/73  
C.M. COLE  
SUTHERLAND  
M.C. CO

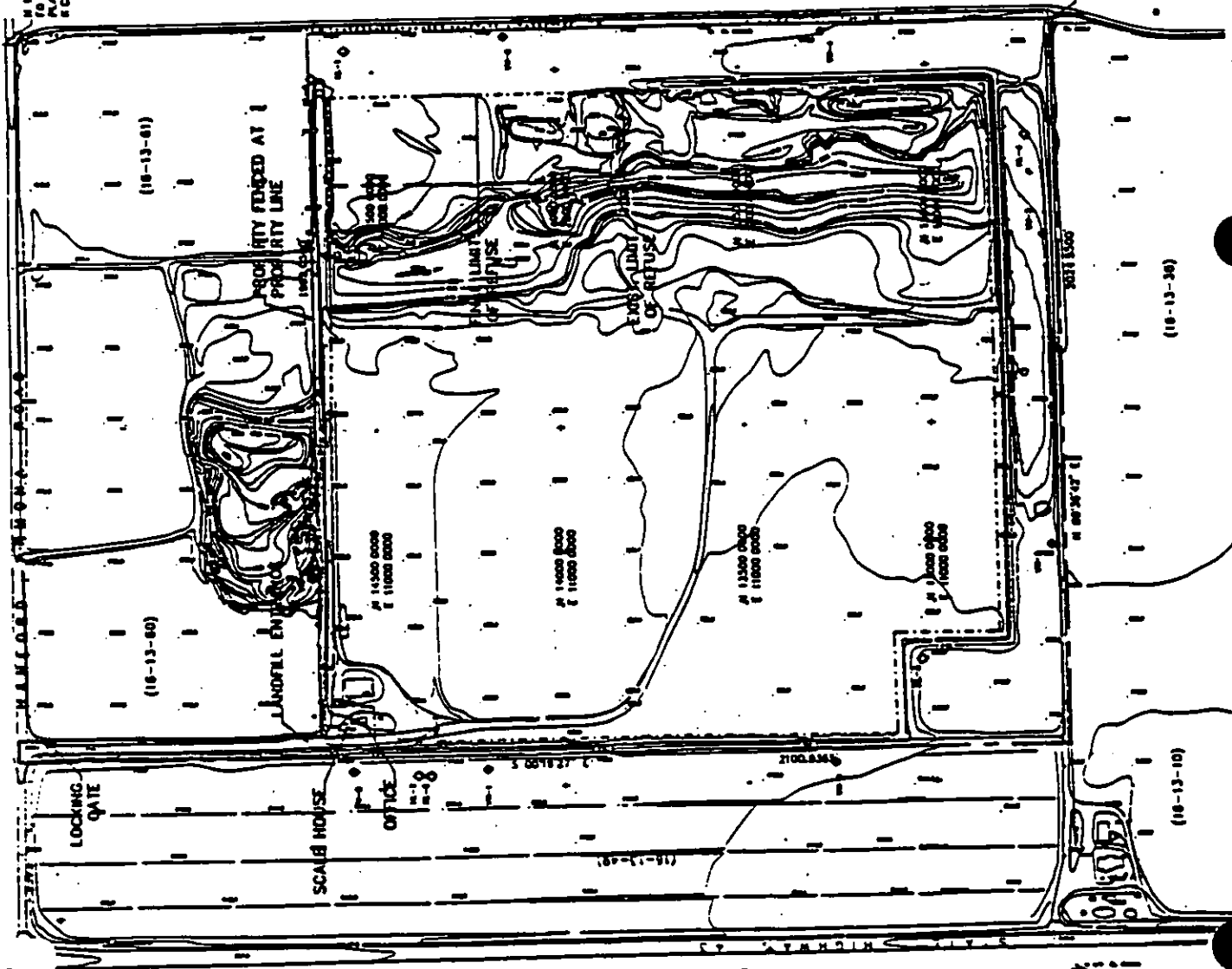
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M.C. CO

# ATTACHMENT 2



## LEGEND

- (16-13-55) ASSESSORS PARCEL NUMBER
- FINAL LIMIT OF REFUSE
- EDGE LIMIT OF REFUSE
- PROPERTY LINE
- GAS MONITORING WELL
- GROUNDWATER WELL

(16-13-55)

CONTR SEC 4 10/73  
TO 1/4 AC 8.6 CM  
W/MASS 1140  
MCE 10004

(16-13-36)

(16-13-10)

1/4 CON 4 10/73  
TO 1/4 AC 8.6 CM  
W/MASS 1140  
MCE 10004

# SOLID WASTE FACILITY PERMIT

1. Facility Identification

16-AA-0009

2. Name and Street Address of Facility:

Kings Waste & Recycling Authority (AKA  
Kings County Waste Management  
Authority) Hanford Landfill  
7875 Hanford-Armona Road  
Hanford, CA. 93230-9343

3. Name and Mailing Address of Operator:

Kings Waste & Recycling Authority  
(AKA Kings County Waste Management  
Authority)  
7803 Hanford-Armona Road  
Hanford, CA. 93230-9343

4. Name and Mailing Address of Owner:

Kings Waste & Recycling Authority (AKA  
Kings County Waste Management Authority)  
7803 Hanford-Armona Road  
Hanford, CA. 93230-9343

## 5. Specifications:

### a. Permitted Operations:

- ☐ Composting Facility (mixed wastes)  
☐ Composting Facility (yard waste)  
☒ Landfill Disposal Site  
☐ Material Recovery Facility  
☐ Processing Facility  
☐ Transfer Station  
☐ Transformation Facility  
☐ Other:

b. Permitted Hours of Operation: 7:00 A.M.-4:30 P.M. Monday Through Saturday; 8:00 A.M.-4:30 P.M. Sunday

The Landfill is closed on New Year's Day, Easter Day, Independence Day, Labor Day, Memorial Day, Thanksgiving Day and Christmas Day.

### c. Permitted Tons per Operating Day:

.....Total:484 Tons/Day

Non-Hazardous - General .....484 Tons/Day  
Non-Hazardous - Sludge .....0 Tons/Day  
Non-Hazardous - Separated or commingled recyclables .....0 Tons/Day  
Non-Hazardous - Other (See Section 14 of Permit) .....0 Tons/Day  
Designated (See Section 14 of Permit) .....0 Tons/Day  
Hazardous (See Section 14 of Permit) .....0 Tons/Day

### d. Permitted Traffic Volume:

.....Total:160 Vehicles/Day

Incoming waste materials .....160 Vehicles/Day  
Outgoing waste materials (for disposal) .....0 Vehicles/Day  
Outgoing materials from material recovery operations .....0 Vehicles/Day

### e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	94.5	71.8	N/A	N/A	N/A	N/A
Design Capacity		750,119 cu	N/A	N/A	N/A	N/A
Max. Elevation (Pl. MSL)		267.5 ft				
Max. Depth (Pl. BGS)		725 ft				
Estimated Closure Date		October 1997				

The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

### 6. Approval:

*Keith Winkler*

Approving Officer Signature  
Keith Winkler, REHS,  
Environmental Health Director  
Name/Title

### 7. Enforcement Agency Name and Address:

Kings County Health Department  
Division of Environmental Health Services  
330 Campus Drive  
Hanford, CA. 93230

### 8. Received by CIWMB:

SEP 9 1996

### 9. CIWMB Concurrence Date:

### Permit Review Due Date:

### 11. Permit Issued Date:

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

16-AA-0009

## 12. Legal Description of Facility (attach map with RFI):

Section 4 of Township 19S, Range 22E of the Mt. Diablo Baseline and Meridian, Kings County.

Latitude and Longitude are 36° 18' N, 119° 37' W.

## 13. Findings:

- a. This permit is consistent with the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. Written Finding Attached.
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance (except for 14CCR Section 17258.23) with the State Minimum Standards for Solid Waste Handling and Disposal as determined by a pre permit inspection conducted by the CIWMB and the LEA on August 27, 1996. The Kings Waste & Recycling Authority has entered into a Stipulated Order of Compliance to establish compliance dates for increased monitoring of offsite landfill gas migration and the development of a remediation plan pursuant 14CCR Section 17258.23.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. Kings County Fire Department. Written Finding Attached.
- e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. The following documents have been filed with the State Clearinghouse (SCH): 1. Kings County Solid Waste Transfer and Disposal Site Alternatives, SCH 90020289, dated July 1990. The notice of Determination was filed with the County Clerk on 10/23/91. 2. Kings County Integrated Solid Waste Management Complex, SCH 92062017, dated March 1993. The Notice of Determination was filed with the County Clerk on 04/13/93.
- f. A County-wide Integrated Waste Management Plan has been approved by the CIWMB.
- g. The facility has been determined to be compatible with surrounding land use through approval of Conditional Use Permit (CUP) 605 and amended by CUP 1532 by the Kings County Planning Commission, as required by Public Resources Code, Section 50000.5 (b).

## 14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge; non-hazardous waste requiring special handling; designated waste; or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. Also prohibited is the allowing of burning of wastes; allowing scavenging by the public; and accepting infectious or untreated medical waste. The permittee can dispose of cannery wastes, bar screens and nonfriable asbestos.

The permittee is additionally prohibited from the following: Disposal of wastes other than those described in section 5(c) of this document.

## 15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

Report of Disposal Site Information: 8/29/95, as amended 4/19/96

Land Use Permits and Conditional Use Permits: CUP 605, 8/20/73; CUP 1532, 10/23/91

EIR

SCH 90020289: 7/1990

SCH 92062017: 3/1993

Closure Financial Responsibility Document: 12/3/93; Operating Liability Document: 5/22/96

Contract Agreements- operator and contract: Mitchell Brown General Engineering Inc., 1988 K.C. Agreement 88-058

Waste Discharge Requirement: 11/19/92, Order no. 92-213

Final Closure & Post Closure Maint. Plan: 6/15/93

EPA Generator ID: # 981-404-205, No Date

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

16-AA-0009

**Self Monitoring:**

1. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Facility	Agency Reported To
1. The quantities and types of wastes received on daily basis.	1. Quarterly	1. On site for the LEA
2. The quantities and types of salvaged material when transported off site.	2. Quarterly	2. On site for the LEA.
3. Monthly calculations and reports of the number of vehicles utilizing the facility per day of operation.	3. Quarterly	3. On site for the LEA
4. Remaining site capacity.	4. Annually	4. LEA
5. All employee and customer injuries.	5. Quarterly	5. LEA
6. All written complaints filed against the facility and the actions taken in response to the complaints. Notify the LEA within 24 hours of receiving any complaint.	6. Quarterly	6. LEA
7. Log of special or unusual occurrences and the operator's response to correct the problem.	7. Quarterly	7. On site for the LEA
8. As-built waste disposal fill sequencing plan as completed on site.	8. Annually	8. On site for LEA
9. Employee training log.	9. Annually	9. On site for LEA
10. Results of the hazardous waste screening program.	10. Weekly, conducted at the MRF where waste will be processed.	10. On site for the LEA
11. Monitoring results conducted on site to meet the requirements of 14 CCR Section 17258.23 (Explosive Gas Control).	11. Quarterly	11. LEA

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

16-AA-0009

## 17. LEA Conditions:

1. The operator shall comply with all federal, state, and local requirements and enactments including mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21081.6.
2. This facility shall comply with all provisions mandated under the State Minimum Standards for solid waste handling and disposal.
3. The operator shall maintain a copy of this permit at the facility, so it will be available at all times to facility personnel and to enforcement personnel.
4. This permit is subject to review by the LEA and may be suspended and/or revoked at any time for sufficient cause, after a hearing by the LEA Hearing Panel.
5. The LEA reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
6. The LEA reserves the right to request and receive from the owner/operators any information that it deems necessary to conduct an inspection or to review and/or write a Solid Waste Facility Permit.
7. Any complaints about the facility received by its owner/operator shall be forwarded to the LEA within one working day.
8. No significant change in the design or operation of this facility, as stipulated in this permit, is allowed without a permit revision.
9. The operator shall notify the LEA, in writing, of any proposed change in the routine operation of the facility or of any change in facility design during the planning stages. In no case shall the operator undertake any change unless the operator first submits to the LEA a notice of the change(s) at least 150 days prior the change(s) taking place. Any significant change as determined by the LEA would require a revision of the Solid Waste Facilities Permit. At a minimum, this permit will be due for review every five years.
10. The operator will maintain a log of special/unusual occurrences. The operator shall maintain this log so as to be available at all times to site and enforcement personnel.
11. Records of employee training for health and safety, operation, and maintenance of the site shall be maintained on the site (or a location approved by the LEA) and be available for inspection by the LEA and/or other duly authorized regulatory agency.
12. This permit supersedes the Solid Waste Facilities Permit #16-AA-0009 issued August 5, 1985.

California Integrated Waste Management Board  
Permit Decision No. 96-422  
October 23, 1996

**WHEREAS,** the Hanford Landfill is owned and operated by the Kings Waste & Recycling Authority (AKA Kings County Waste Management Authority) for the disposal of non-hazardous solid waste; and

**WHEREAS,** the Kings County Department of Health Services, Division of Environmental Health, acting as the local enforcement agency (LEA), issued the operator a Notice and Order requiring the operator to revise the Solid Waste Facility Permit (SWFP); and

**WHEREAS,** the LEA issued a Notice and Order allowing the operator to accept up to 484 tons per day, up from what the 1985 SWFP permit allowed, which was 100 tons per day; and

**WHEREAS,** the operator of the Hanford Landfill has submitted to the LEA an application for a Solid Waste Facility Permit (SWFP) revision to reflect significant changes from the terms, conditions, and operations described in the Facility's 1985 SWFP; and

**WHEREAS,** the LEA has submitted to the Board for its review and concurrence with or objection to a revised SWFP for the Kings County Waste Management Authority Hanford Landfill; and

**WHEREAS,** the Kings County Planning Department, acting as the Lead Agency, prepared and circulated for comment, a Draft Program Environmental Impact Report (SCH#90020289). After reviewed the final EIR, Board staff requested and received a letter dated June 11, 1996 from the Kings County LEA which clarified the derivation of the requested maximum tonnage from the traffic analyses contained in the EIR; and

**WHEREAS,** the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the proposed design and operation of the facility is in compliance with State Minimum Standards; and

**WHEREAS,** the most recent joint LEA and Board staff inspection, conducted on August 27, 1996 revealed no violations of State Minimum Standards for Solid Waste Handling, except for presence of explosive gas at the facility's boundary; and

**WHEREAS,** the Board's policy on consideration of proposed permits for facilities with long-term violations has been followed. The LEA has issued an enforcement order to the

operator, and the operator has submitted a remediation plan which has been approved by Board staff; and

**WHEREAS,** the Board finds that all state and local requirements for the proposed permits have been met, including conformance with the Kings County Integrated Waste Management Plan and compliance with the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 16-AA-0009.

#### **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director



CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
October 23, 1996

AGENDA ITEM 22

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
REVISED SOLID WASTE FACILITY PERMIT FOR THE NORTH AREA  
TRANSFER STATION, SACRAMENTO COUNTY

I. COMMITTEE ACTION:

The permitting and Enforcement Committee met on October 9, 1996 and voted 3-0 in favor of recommending concurrence in the issuance of the proposed permit.

II. BACKGROUND:

Facility Facts

Name:	North Area Transfer Station Facility No. 34-AA-0002
Facility Type:	Large Volume Transfer Station
Location:	4450 Roseville Road, North Highlands
Area:	23.55 acre parcel
Setting:	Zoned Light Industrial
Status:	Active, Permitted
Tonnage:	Permitted maximum increasing from 400 tons per day to 800 tons per day
Owner/Operator:	Sacramento County Public Works Agency; Contact: Mr. Richard Owings, Chief, Waste Management & Recycling Division
Land Owner:	United States Government; Department of the Air Force
Designated LEA:	Sacramento County Environmental Management Department; Jim Cermak, Manager

III. SUMMARY:

Proposed Project Continued operation of an existing solid waste transfer station with increased permitted average and peak tonnage. Specific changes in the facility design and operation are summarized below:

- 1) The permit will be revised to allow an increase in the maximum daily tonnage from 400 to 800 tons per day;
- 2) The station will continue to be open to the public 7 days a week, 8:30 a.m. to 4:45 p.m. but the permitted operating hours will increase from 10 to 19 hours per day to handle the increased throughput;
- 3) The station will add a separate designated exit for all Sacramento County trucks;
- 4) A battery, oil, and paint collection program now operates Wednesday through Saturday at the site.

Facility Description The North Area Transfer Station (NATS) is located at 4450 Roseville Road in the North Highlands area of Sacramento County. NATS and surrounding land use is zoned light industrial and includes McClellan Air Force Base (AFB), Southern Pacific Railroad, Retail Business', Commercial Offices, Industrial Storage, and AFB fuel storage tanks. The nearest residences are located 1/4 mile to the south.

All waste is deposited onto a covered paved tipping floor. The Refuse is pushed by a front-end loader into an automated compactor. The refuse is then transferred into a rear-loading long haul transfer trailer and taken to Kiefer Landfill in Sacramento County.

The facility is open to the general public and commercial collection trucks. The facility was originally permitted to accept 400 tons per day (TPD) but tonnages have increased since the closure of the Sacramento City Landfill. Even though the average tonnage is currently less than 400 TPD, the revised permit will allow a maximum of 800 TPD to accommodate occasional peak days.

Resource Recovery At the tipping pad, two private contracted salvage operators remove wood and metal wastes for recycling. There is also an area for the public to drop off used automotive batteries, oil, latex paint, antifreeze, and oil filters.

Environmental Controls Site environmental controls for dust, odor, leachate, vectors, litter, noise, fires, noise, and exclusion of hazardous waste are adequately described in the March 1996 Report of Station Information (RSI) which has been incorporated by reference as a conditioning document of the permit.

#### IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit  
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. The proposed permit for this facility was received on September 19, 1996. Therefore the last day the Board may act is November 18, 1996

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. The following table summarizes Board staff's analysis:

34-AA-0002	Accept- able	Unaccept- able	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)	X				
General Plan Conformance (PRC 50000.5)	X				
Conformance With State Minimum Standards	X				
California Environmental Quality Act	X				1
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	

In addition, Board staff offer the following detailed analysis:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Sacramento County Department of Environmental Review and Assessment, Lead Agency for CEQA, prepared a Negative Declaration (ND) for the continued operation of the transfer station at a higher permitted maximum daily tonnage (SCH# 94092030 & 96042009).

Board staff provided comments on October 6, 1994 and May 21, 1996. The ND was approved and certified by the Lead Agency on August 13, 1996 and a Notice of Determination was filed with the County Clerk on August 14, 1996.

**V. STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

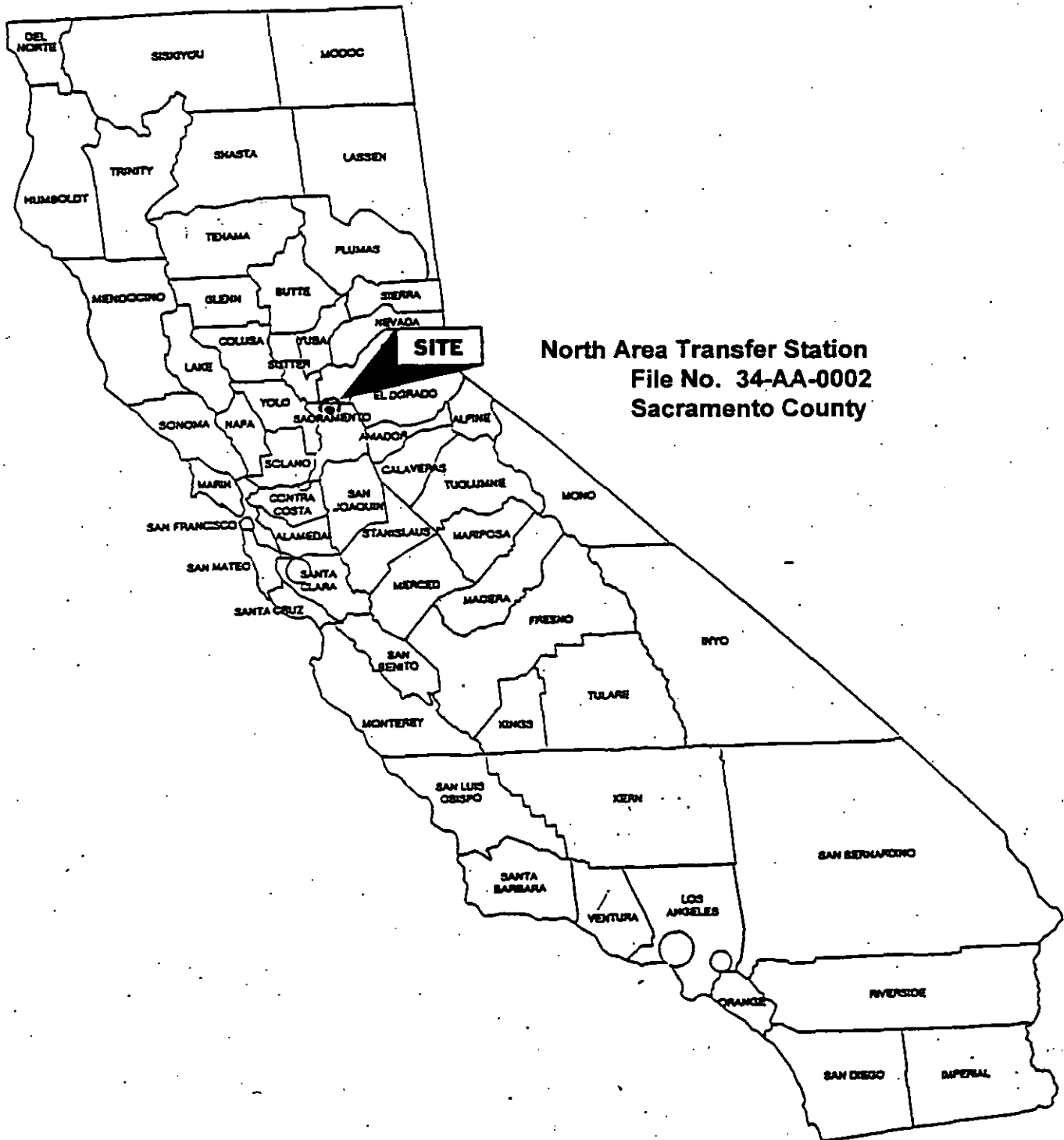
Staff recommend that the Board adopt Resolution No. 96-438 concurring in the issuance of Solid Waste Facility Permit No. 34-AA-0002.

**VI. ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 34-AA-0002
4. Permit Decision No. 96-438

**VII. APPROVALS:**

Prepared by: Jon Whitehill *Jon Whitehill* Phone: 255-3881  
Reviewed by: Suzanne ~~Hambleton~~/Cody Begley *C.B.* Phone: 255-2453  
Approved by: Dorothy Rice *D. Rice* Phone: 255-2431  
Legal Review: Kathryn Tobias *Kjt* Date/Time: 10/15/96





## FIGURE 2

D.O.P. COLLECTION FACILITY  
NORTH AREA TRANSFER STATION (NATS)  
4150 ROSEVALE ROAD  
NORTH HIGHLANDS, CALIFORNIA

# SOLID WASTE FACILITY PERMIT

## ATTACHMENT 3

### 2. Name and Street Address of Facility:

North Area Transfer Station  
4450 Roseville Road  
North Highlands, CA 95660

### 3. Name and Mailing Address of Operator:

Sacramento County  
Department of Public Works  
9700 Goethe Road, Ste. E  
Sacramento, CA 95827-3500

Same as operator

### 5. Specifications:

#### a. Permitted Operations:

<input type="checkbox"/> Composting Facility (mixed waste)	<input type="checkbox"/> Processing Facility
<input type="checkbox"/> Composting Facility (yard waste)	<input checked="" type="checkbox"/> Transfer Station
<input type="checkbox"/> Landfill Disposal Site	<input type="checkbox"/> Transformation Facility
<input type="checkbox"/> Material Recovery Facility	<input type="checkbox"/> Other:

#### b. Permitted Hours of Operation: 8:30 AM to 4:45 PM

#### c. Permitted Tons Per Operating Day:

Total:	.....800.....	Tons/Day
Non-Hazardous - General	.....799.....	Tons/Day
Non-Hazardous - Sludge	.....N/A.....	Tons/Day
Non-Hazardous - Separated or commingled recyclables	.....N/A.....	Tons/Day
Non-Hazardous - (see Section 14 of Permit)	.....N/A.....	Tons/Day
Designated (See Section 14 of Permit)	.....N/A.....	Tons/Day
Hazardous (See Section 14 of Permit)	.....<1.....	Tons/Day

#### d. Permitted Traffic Volume:

Total	.....711.....	Vehicles/Day
Incoming waste materials	.....662.....	Vehicles/Day
Outgoing waste materials (for disposal)	.....43.....	Vehicles/Day
Outgoing materials from material recovery operations	.....6.....	Vehicles/Day

#### e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	23.55 a	N/A a	23.55 a	N/A a	N/A a	a
Design Capacity		cv	800 tpd	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

### 6. Approval:

Approving Officer Signature

Jannah Zahr, R.E.H.S.

Name/Title

### 7. Enforcement Agency Name and Address:

Sacramento County Environmental Management Department  
Environmental Health Division  
8475 Jackson Road - Suite 240  
Sacramento, CA 95827

### 8. Received by CIWMB:

SEP 19 1996

### 9. CIWMB Concurrence Date:

### 10. Permit Review Due Date:

### 11. Permit Issue Date:

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# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:  
North Area Transfer Station  
34-AA-0002

12. Legal Description of Facility (attach map with RFI): POR NE 1/4 SEC 32 RANCHO DEL PAS, BEG SE COR O.S. 34-37; TH FR P O B N. 89% 37°32'W 1, 839.30 FT TO SE LN S.P.R.R. R/W; TH N. 39% 57°11'E ALG SD R/W 944.42 FT; TH S. 89% 42°10'E 1,237.67 FT; TH S.00% 22°28'W 729.80 FT TO THE P O BEXC PUBLIC R/W CONTG 23.55 AC M/L

## 13. Findings:

- This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50000. Local Task Force Review August 22, 1996
- This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. Sacramento City fire Department - June 15, 1995
- An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. August 14, 1996
- A County-wide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.
- The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Sacramento County Board of Supervisors - August 13, 1996. Public Resources Code, Section 50000.5(a).
- The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). Sacramento County Board of Supervisors - August 13, 1996

## 14. Prohibitions:

The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. Exempted from this prohibition are the following recyclable household hazardous waste: 1) used motor oil; 2) motor oil filters; 3) antifreeze; 4) latex paint; 5) automotive batteries.

The permittee is additionally prohibited from the following items: 1) Open burning; 2) Public Scavenging; 3) Sewage Sludge; 4) Medical Waste; and 5) Disposal of Wastes other than those described in Section 5 (c).

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

	Date:		Date:
<input checked="" type="checkbox"/> Report of Facility Information	8/22/96	<input type="checkbox"/> Contract Agreements - operator and contract	N/A
<input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits	5/27/75	<input type="checkbox"/> Waste Discharge Requirements	N/A
<input type="checkbox"/> Air Pollution Permits and Variances	N/A	<input type="checkbox"/> Local & County Ordinances	N/A
<input checked="" type="checkbox"/> EIR or Negative Declaration	8/13/96	<input type="checkbox"/> Final Closure & Postclosure Maintenance Plans	N/A
<input type="checkbox"/> Lease Agreements - owner and operator	N/A	<input type="checkbox"/> Amendment to RFI	N/A
<input type="checkbox"/> Preliminary Closure/Post Closure Plan	N/A	<input checked="" type="checkbox"/> Other (list): EPA Generator #000-112-252	
<input type="checkbox"/> Closure Financial Responsibility Document	N/A	NPDES #5A34S007295	



# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:  
North Area Transfer Station  
34-AA-0002

## Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1. Daily Weight/Volume Records showing the amount of refuse received in tons per day	Monthly	LEA
2. The daily and monthly total of the number of commercial, industrial and private vehicles utilizing the facility	Quarterly	LEA
3. Results of hazardous waste screening program	Monthly	LEA
4. Logs and reports of special occurrences and the operator's action in response to the event	Monthly	LEA
5. The quantities of recycled material that are diverted from landfilling (i.e. wood, waste tires, latex paint, and recyclable metal)	Quarterly	LEA
6. Logs and reports of all employee and customer injuries	Quarterly	LEA
7. Application for revision of Solid Waste Facility Permit	120 days prior to making changes	LEA
8. An employee training log with dates of training, and course descriptions. This shall be maintained and kept current.	Upon request of the LEA	LEA

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number: North Area Transfer Station  
34-AA-0002

## 17. LEA Conditions:

1. The operator shall comply with all federal, state, and local requirements and enactments including any mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21081.6.
2. This facility shall comply with all provisions mandated under the State Minimum Standards for Solid Waste Handling and Disposal.
3. The operator shall maintain a copy of this permit at the facility, so it will be available at all times to facility personnel and to Enforcement Agency personnel.
4. Any material stored outside of the waste bins shall be handled in a manner that will prevent the harborage of vectors.
5. The operator shall notify the LEA, in writing, of any proposed change in the facility or of any change in facility design or operation. In no case shall the operator undertake any change unless the operator first submits to the Local Enforcement Agency a notice of the change(s) at least 120 days prior to the change(s) taking place. Any significant change as determined by the Local Enforcement Agency would require a revision of the Solid Waste Facilities Permit.
6. The operator shall comply with all of the requirements of all applicable laws pertaining to employees health and safety. The operator shall ensure that comprehensive site safety evaluations are conducted at this facility and shall maintain a written employee injury and illness prevention plan (IIPP) on site that meets all provisions of the California Code of Regulations, Title 8, Section 3203. This document must be available to all personnel, LEA and other regulatory agencies.
7. Records of employee training for health and safety, operation and maintenance of the site shall be maintained on the site and be available for inspection by the LEA and/or other duly authorized regulatory agency.
8. Any change in the owner/operator of the facility would require that the LEA be notified at least 45 days prior to the change.
9. The operator shall have an established cleaning schedule for areas of the facility that do not have a cleaning frequency specified in the Report of Station Information.
10. The operator will maintain a log of special /unusual occurrences. The operator shall maintain this at the station and make it available for employees and/or Enforcement Agency personnel.
11. Any complaints about the facility received by its operator shall be forwarded to the LEA within one working day.
12. This permit is subject to review by the LEA and may be suspended and/or revoked at any time for sufficient cause after a hearing by the Local Enforcement Agency's Hearing Panel.
13. The LEA reserves the right to suspend waste receiving operations when it is deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
14. The LEA reserves the right to request and receive from the owner/operator any information that it deems necessary to conduct an inspection or to review and / or write a Solid Waste Facility Permit.
15. A minimum of 15% of the waste stream shall be diverted from landfilling for re-use or recycling.
16. The operator shall meet the local mandates for waste diversion that are imposed on self-haulers.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-438**

**WHEREAS**, Sacramento County owns and operates the North Area Transfer Station located at 4450 Roseville Road in the North Highlands area of Sacramento County on Assessor's Parcel No. 240-0550-0034; and

**WHEREAS**, the Sacramento County Department of Environmental Review and Assessment, Lead Agency for CEQA, prepared a Negative Declaration (ND) for the proposed project (SCH#94092030 & 96042009); and Board staff provided comments to the Lead Agency on October 6, 1994 and May 21, 1996; and the Lead Agency adopted the final environmental document on August 13, 1996 and filed the Notice of Determination with the County Clerk on August 14, 1996; and

**WHEREAS**, on September 19, 1996, the Sacramento County Environmental Management Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the North Area Transfer Station; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

**WHEREAS**, the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS**, the LEA and Board have made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on monthly LEA inspections of the facility, and a review of the Report of Facility Information and other supporting documentation, and the joint LEA/Board inspection conducted on July 16, 1996.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 34-AA-0002.

# **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting  
October 23, 1996

AGENDA ITEM 23

ITEM: CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
REVISED SOLID WASTE FACILITY PERMIT FOR THE SOUTH AREA  
TRANSFER STATION, SACRAMENTO COUNTY

I. COMMITTEE ACTION:

The permitting and Enforcement Committee met on October 9, 1996 and voted 3-0 in favor of recommending concurrence in the issuance of the proposed permit.

II. BACKGROUND:

Facility Facts

Name: South Area Transfer Station  
Facility No. 34-AA-0021

Facility Type: Large Volume Transfer Station

Location: 8550 Fruitridge Road, Sacramento

Area: 12.26 acre parcel

Setting: Zoned Heavy Industrial

Status: Active, Permitted

Tonnage: Permitted maximum increasing from 130 tons per day to 348 tons per day

Owner/Operator: Sacramento County Public Works Agency;  
Contact: Mr. Richard Owings, Chief, Waste Management & Recycling Division

Designated LEA: Sacramento County Environmental Management Department; Jim Cermak, Manager

III. SUMMARY:

Proposed Project Continued operation of an existing solid waste transfer station with increased permitted average and peak tonnage. Specific changes in the facility design and operation are summarized below:

- 1) The permit will be revised to allow an increase in the maximum daily tonnage from 130 to 348 tons per day;

2) A battery, oil, and paint collection program now operates Wednesday through Saturday at the site.

Facility Description The South Area Transfer Station (SATS) is located at 8550 Fruitridge Road in the Florin-Perkins area of Sacramento County. SATS and surrounding land use is zoned heavy industrial and includes commercial offices, industrial storage, vehicle salvage yard, the L&D Landfill, PG&E Complex, and the Sacramento Army Complex. The nearest residences are located 0.2 miles to the south.

Refuse is dumped onto the uncovered tipping pad by city, county, commercial, and self-haul customers. The refuse is pushed by a front-end loader into a top-loading long haul transfer trailer and taken to Kiefer Landfill in Sacramento County.

The facility was originally permitted to accept 130 tons per day (TPD) but tonnages have increased since the closure of the Sacramento City Landfill. Even though the average tonnage is approximately 150-200 TPD, the revised permit will allow a maximum of 348 TPD to accommodate occasional peak days.

Resource Recovery At the tipping pad, two private contracted salvage operators remove wood and metal wastes for recycling. There is also an area for the public to drop off used automotive batteries, oil, latex paint, antifreeze, and oil filters.

Environmental Controls Site environmental controls for dust, odor, leachate, vectors, litter, noise, fires, noise, and exclusion of hazardous waste are adequately described in the March 1996 Report of Station Information (RSI) which has been incorporated by reference as a conditioning document of the permit.

#### IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. The proposed permit for this facility was received on September 19, 1996. Therefore the last day the Board may act is November 18, 1996

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. The following table summarizes Board staff's analysis:

34-AA-0021	Accept- able	Unaccept- able	To Be Deter- mined	Not Applic- able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)				X	
CoSWMP Conformance (PRC 50000)	X				
General Plan Conformance (PRC 50000.5)	X				
Conformance With State Minimum Standards	X				
California Environmental Quality Act	X				1
Closure/Post-Closure Maintenance Plan				X	
Funding for Closure/Post-Closure Maintenance				X	
Operating Liability				X	

In addition, Board staff offer the following detailed analysis:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Sacramento County Department of Environmental Review and Assessment, Lead Agency for CEQA, prepared a Negative Declaration (ND) for the continued operation of the transfer station at a higher permitted maximum daily tonnage (SCH# 94092030 & 96052003).

Board staff provided comments on October 6, 1994 and May 22, 1996. The ND was approved and certified by the Lead Agency on August 13, 1996 and a Notice of Determination was filed with the County Clerk on August 14, 1996.

**V. STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Resolution No. 96-439 concurring in the issuance of Solid Waste Facility Permit No. 34-AA-0021.

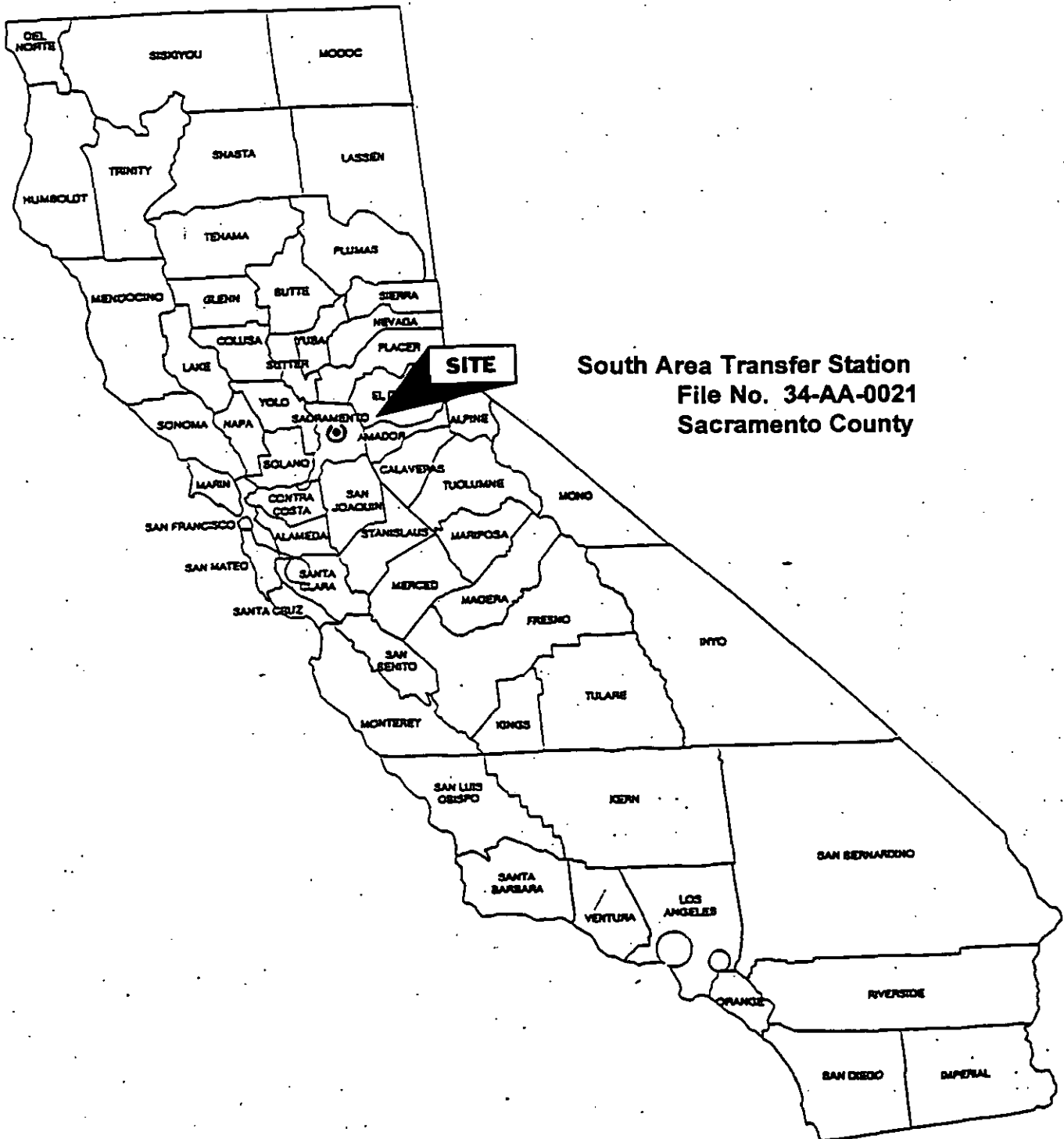
**VI. ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 34-AA-0021
4. Permit Decision No. 96-439

VII. APPROVALS:

Prepared by: Jon Whitehill *Jon Whitehill* Phone: 255-3881  
Reviewed by: Suzanne Hamilton/Cody Begley *C.B.* Phone: 255-2453  
Approved by: Dorothy Rice *D. Rice* Phone: 255-2431  
Legal Review: Kathryn Tobias *K.T.* Date/Time: 10/15/96



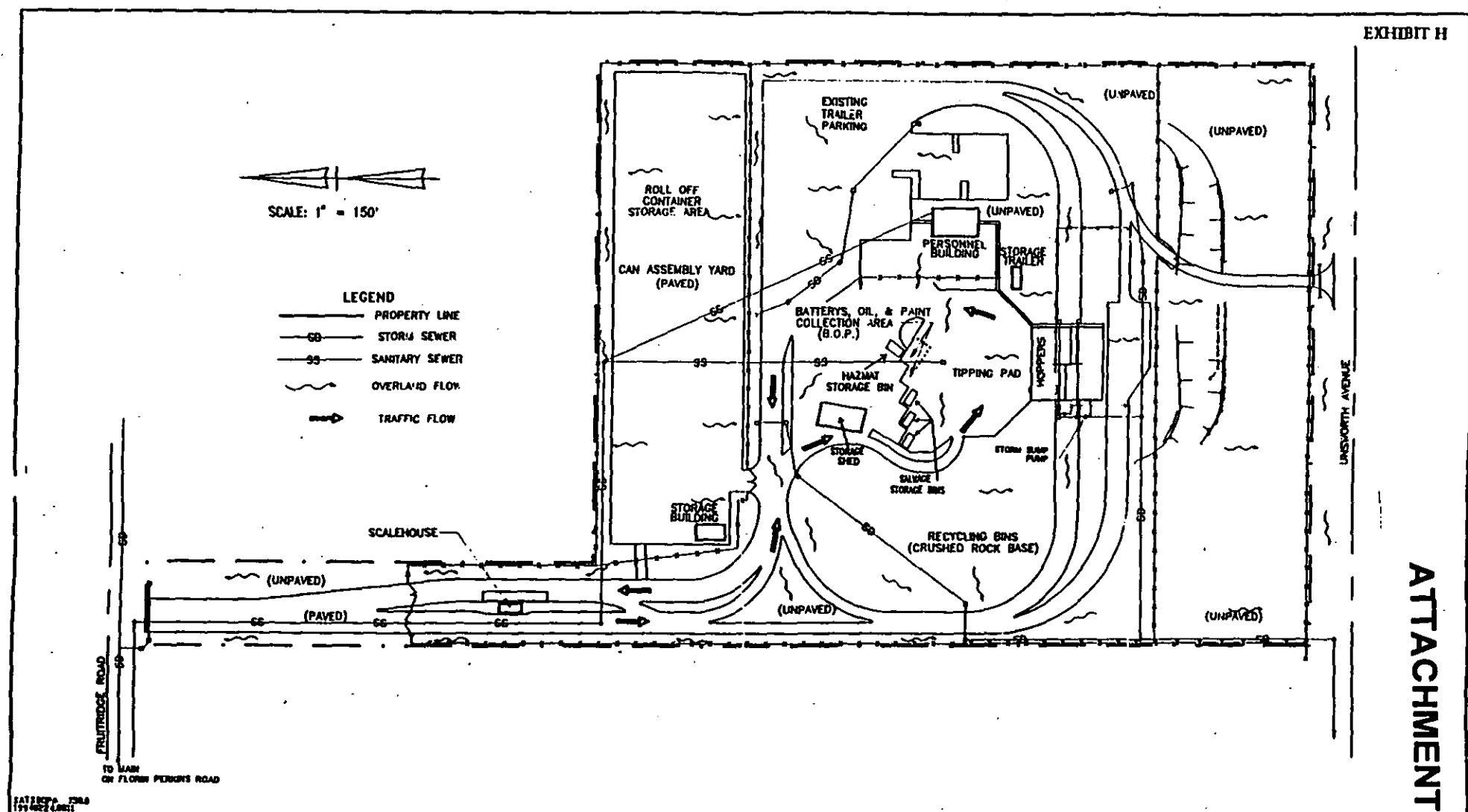


South Area Transfer Station  
File No. 34-AA-0021  
Sacramento County

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EXHIBIT H

ATTACHMENT 2



REVISIONS					
NO.	DESCRIPTION	DATE	BY	REV'D	APPROV.



**PUBLIC WORKS AGENCY**  
**DEPARTMENT OF SOLID WASTE MANAGEMENT**  
 9700 GOETHE ROAD, SUITE E  
 SACRAMENTO, CALIFORNIA 95827-3500  
 (916) 368-2825

**FIGURE 1**  
 OVERALL FACILITY VIEW  
 SOUTH AREA TRANSFER STATION (SATS)  
 8550 FRUITRIDGE ROAD  
 SACRAMENTO, CALIFORNIA

# SOLID WASTE FACILITY PERMIT

1

## ATTACHMENT 3

2. Name and Street Address of Facility:

South Area Transfer Station  
8550 Fruitridge Road  
Sacramento, CA 95828

3. Name and Mailing Address of Operator:

Sacramento County  
Department of Public Works  
9700 Goethe Road, Ste. E  
Sacramento, CA 95827-3500

4

Same as operator

5. Specifications:

a. Permitted Operations:

<input type="checkbox"/> Composting Facility (mixed waste)	<input type="checkbox"/> Processing Facility
<input type="checkbox"/> Composting Facility (yard waste)	<input checked="" type="checkbox"/> Transfer Station
<input type="checkbox"/> Landfill Disposal Site	<input type="checkbox"/> Transformation Facility
<input type="checkbox"/> Material Recovery Facility	<input type="checkbox"/> Other:

b. Permitted Hours of Operation: 8:30 AM to 4:45 PM

c. Permitted Tons Per Operating Day:

Total: .....348..... Tons/Day

Non-Hazardous - General	.....347.....	Tons/Day
Non-Hazardous - Sludge	.....N/A.....	Tons/Day
Non-Hazardous - Separated or commingled recyclables	.....N/A.....	Tons/Day
Non-Hazardous - (see Section 14 of Permit)	.....N/A.....	Tons/Day
Designated (See Section 14 of Permit)	.....N/A.....	Tons/Day
Hazardous (See Section 14 of Permit)	.....<1.....	Tons/Day

d. Permitted Traffic Volume:

Total .....522..... Vehicles/Day


Incoming waste materials	.....493.....	Vehicles/Day
Outgoing waste materials (for disposal)	.....28.....	Vehicles/Day
Outgoing materials from material recovery operations	.....<1.....	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	12.26 a	N/A a	12.26 a	N/A a	N/A a	a
Design Capacity		cy	348.0 tpd	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

  
Approving Officer Signature  
\_\_\_\_Jannah Zahir, R.E.H.S.\_\_\_\_  
Name/Title

7. Enforcement Agency Name and Address:

Sacramento County Environmental Management Department  
Environmental Health Division  
8475 Jackson Road - Suite 240  
Sacramento, CA 95827

Received by CIWMB: SEP 10 1994

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issue Date:

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# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:  
South Area Transfer Station  
34-AA-0021

12. Legal Description of Facility (attach map with RFI): All that real property situated in the County of Sacramento, described as follows: All that portion of the Northwest one-quarter of Section 25, Township 8 North, Range 5, East, M.D.B. & M. (The long description is included in the RFI.)

## 13. Findings:

- a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50000. Local Task Force Review August 22, 1996
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. Sacramento City fire Department - June 15, 1995
- e. An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. August 14, 1996
- f. A County-wide Integrated Waste Management Plan has not been approved by the California Integrated Waste Management Board.
- g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Sacramento County Board of Supervisors - August 13, 1996. Public Resources Code, Section 50000.5(a).
- h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). Sacramento County Board of Supervisors - August 13, 1996

## 14. Prohibitions:

The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. Exempted from this prohibition are the following recyclable household hazardous waste: 1) used motor oil; 2) motor oil filters; 3) antifreeze; 4) latex paint; 5) automotive batteries.

The permittee is additionally prohibited from the following items: 1) Open burning; 2) Public Scavenging; 3) Sewage Sludge; 4) Medical Waste; and 5) Disposal of Wastes other than those described in Section 5 (c).

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

	Date:		Date:
<input checked="" type="checkbox"/> Report of Facility Information	8/22/96	<input type="checkbox"/> Contract Agreements - operator and contract	N/A
<input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits	5/27/75	<input type="checkbox"/> Waste Discharge Requirements	N/A
<input type="checkbox"/> Air Pollution Permits and Variances	N/A	<input type="checkbox"/> Local & County Ordinances	N/A
<input checked="" type="checkbox"/> EIR or Negative Declaration	8/13/96	<input type="checkbox"/> Final Closure & Postclosure Maintenance Plans	N/A
<input type="checkbox"/> Lease Agreements - owner and operator	N/A	<input type="checkbox"/> Amendment to RFI	N/A
<input type="checkbox"/> Preliminary Closure/Post Closure Plan	N/A	<input checked="" type="checkbox"/> Other (list): EPA Generator #000-112-252	
<input type="checkbox"/> Closure Financial Responsibility Document	N/A	NPDES #5A34S007295	

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:  
South Area Transfer Station  
34-AA-0021

## Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1. Daily Weight/Volume Records showing the amount of refuse received in tons per day	Monthly	LEA
2. The daily and monthly total of the number of commercial, industrial and private vehicles utilizing the facility	Quarterly	LEA
3. Results of hazardous waste screening program	Monthly	LEA
4. Logs and reports of special occurrences and the operator's action in response to the event	Monthly	LEA
5. The quantities of recycled material that are diverted from landfilling (ie. wood, waste tires, latex paint, and recyclable metal)	Quarterly	LEA
6. Logs and reports of all employee and customer injuries	Quarterly	LEA
7. Application for revision of Solid Waste Facility Permit	120 days prior to making changes	LEA
8. An employee training log with dates of training, and course descriptions. This shall be maintained and kept current.	Upon request of the LEA	LEA

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number: South Area Transfer Station  
34-AA-0021

## 17. LEA Conditions:

1. The operator shall comply with all federal, state, and local requirements and enactments including any mitigation measures given in any certified environmental document filed pursuant to the Public Resources Code, Section 21081.6.
2. This facility shall comply with all provisions mandated under the State Minimum Standards for Solid Waste Handling and Disposal.
3. The operator shall maintain a copy of this permit at the facility, so it will be available at all times to facility personnel and to Enforcement Agency personnel.
4. Any material stored outside of the waste bins shall be handled in a manner that will prevent the harborage of vectors.
5. The operator shall notify the LEA, in writing, of any proposed change in the facility or of any change in facility design or operation. In no case shall the operator undertake any change unless the operator first submits to the Local Enforcement Agency a notice of the change(s) at least 120 days prior to the change(s) taking place. Any significant change as determined by the Local Enforcement Agency would require a revision of the Solid Waste Facilities Permit.
6. The operator shall comply with all of the requirements of all applicable laws pertaining to employees health and safety. The operator shall ensure that comprehensive site safety evaluations are conducted at this facility and shall maintain a written employee injury and illness prevention plan (IIPP) on site that meets all provisions of the California Code of Regulations, Title 8, Section 3203. This document must be available to all personnel, LEA and other regulatory agencies.
7. Records of employee training for health and safety, operation and maintenance of the site shall be maintained on the site and be available for inspection by the LEA and/or other duly authorized regulatory agency.
8. Any change in the owner/operator of the facility would require that the LEA be notified 45 days prior to the anticipated change.
9. The operator shall have an established cleaning schedule for areas of the facility that do not have a cleaning frequency specified in the Report of Station Information.
10. The operator will maintain a log of special /unusual occurrences. The operator shall maintain this at the station and make it available for employees and/or Enforcement Agency personnel.
11. Any complaints about the facility received by its operator shall be forwarded to the LEA within one working day.
12. This permit is subject to review by the LEA and may be suspended and/or revoked at any time for sufficient cause after a hearing by the Local Enforcement Agency's Hearing Panel.
13. The LEA reserves the right to suspend waste receiving operations when it is deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
14. The LEA reserves the right to request and receive from the owner/operator any information that it deems necessary to conduct an inspection or to review and / or write a Solid Waste Facility Permit.
15. A minimum of 15% of the waste stream shall be diverted from landfilling for re-use or recycling.
16. The operator shall meet the local mandates for waste diversion that are imposed on self-haulers.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-439**

**WHEREAS**, Sacramento County owns and operates the South Area Transfer Station located at 8550 Fruitridge Road in the Florin-Perkins area of Sacramento County on Assessor's Parcel No. 062-0090-021; and

**WHEREAS**, the Sacramento County Department of Environmental Review and Assessment, Lead Agency for CEQA, prepared a Negative Declaration (ND) for the proposed project (SCH#94092030 & 96052003); and Board staff provided comments to the Lead Agency on October 6, 1994 and May 22, 1996; and the Lead Agency adopted the final environmental document on August 13, 1996 and filed the Notice of Determination with the County Clerk on August 14, 1996; and

**WHEREAS**, on September 19, 1996, the Sacramento County Environmental Management Department, acting as the Local Enforcement Agency (LEA), submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the South Area Transfer Station; and

**WHEREAS**, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

**WHEREAS**, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

**WHEREAS**, the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS**, the LEA and Board have made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on monthly LEA inspections of the facility, and a review of the Report of Facility Information and other supporting documentation, and the joint LEA/Board inspection conducted on July 16, 1996.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 34-AA-0021.

# **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director



**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**  
**Board Meeting**

October 23, 1996

**AGENDA ITEM 24**

**ITEM:** CONSIDERATION OF ALLOCATION OF 1996/1997 SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM FUNDS (AB 2136)

**I. SUMMARY**

This item is for consideration of allocating fiscal year 1996/1997 Solid Waste Disposal and Codisposal Site Cleanup Trust Fund money among four funding mechanisms in this program. Of the \$5 million available every fiscal year, \$300,000 is allocated pursuant to statute for administration of the program. Pro rata for this fiscal year is \$139,257. The Board approved a request for \$450,000 from the 1996/1997 funds to remediate the Choperena tire fire site at the September Board meeting. Based on the history of the program, staff propose the following allocations for the remaining \$4,110,743:

**TABLE 1**  
**PROPOSED FY 96/97 ALLOCATION**

<b><u>FUNDING MECHANISM</u></b>	<b><u>AMOUNT</u></b>
Loans, Matching Grants, and LEA Grants	\$2,500,000
Board Contracts	\$1,610,743
Total	\$4,110,743

**II. PAST BOARD ACTION ON PROGRAM FUNDING**

**January 1994 Funds**

The Solid Waste Disposal and Codisposal Cleanup Program was initially implemented with \$8 million at the February 1994 Board meeting. Of that money, \$6.385 million was encumbered in contracts to support the program and the remaining \$1.615 million funded two of the first sites approved by the Board.

After the initial funding, the law provides \$5 million annually after the Governor signs the budget at the beginning of each fiscal year.

July 1, 1994 Funds

All fiscal year 1994/1995 money was spent on loans, matching grants and LEA grants per Board policy (no formal allocations). No money was added to the contracts.

July 1, 1995 Funds

Fiscal year 1995/1996 money was allocated as follows:

TABLE 2  
FY 95/96 ALLOCATION

<u>FUNDING MECHANISM</u>	<u>AMOUNT OF FUNDS</u>
Loan Program	\$1.0 million
Matching Grant Program	\$1.0 million
LEA Grant Program	\$0.9 million
Board contracts	\$1.8 million
Program Administration	\$0.3 million

The four funding programs listed above were all reduced by distributing the \$270,304 of pro rata proportionately.

III. PREVIOUS COMMITTEE ACTION

This Board Agenda Item was sent to print before the Permitting and Enforcement Committee October 9, 1996, meeting. No Committee action report was available.

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Concur with staff's recommended allocation of Trust Fund money for FY 96/97.
2. Change staff's recommended funding allocations, change only part of the allocation, or direct staff to provide additional information and bring the item back to future meetings of the Permitting and Enforcement Committee and the Board.

**V. ANALYSIS**

From fiscal year 93/94 through fiscal year 95/96 expenditures by funding type were as follows:

**TABLE 3**

<u>FUNDING MECHANISM</u>	<u>PERCENTAGE OF TOTAL TRUST FUND</u>
Loans	11%
Matching Grants	30%
LEA Grants	13%
Board Contracts	46%

**LOANS**

To date the Board has approved three loans under this program. However, only two loans to San Diego County have been finalized. The 11% figure above reflects only the two San Diego loans. The application for the third loan to the city of Chico was rescinded in June 1996.

The loan to City of Chico was approved by the Board on May 24, 1995, but the applicant refused to enter into the agreement. On May 13, 1996, staff requested the signed loan agreement be returned to this agency for processing. On June 12, 1996, staff received a response from the City of Chico declining the loan because they will obtain a loan from the Chico Urban Area Redevelopment Agency at a lower interest rate than the Surplus Money Investment Fund rate, currently at 5.560%.

Staff has been notified that a loan package will be submitted for the Phillips Ranch site in Pomona, California. There is no anticipated date for this loan application.

**MATCHING GRANTS**

Ten matching grant applications were received since the beginning of the program. Of these, seven were approved by the Board. Of the three rejected, one did not meet statutory criteria (i.e., not a landfill), one applicant did not provide requested documentation and no further action was taken by staff, and the third application was for funding for ground water remediation, which does not meet program criteria. Staff is aware of one potential matching grant application from Plumas County.

**LEA GRANTS**

Six LEA grant applications were received and all have been approved for funding. Staff is aware of one potential LEA grant application to Tuolumne County in the near future.

**BOARD-MANAGED PROJECTS**

Since the beginning of the program, the Board has approved 24 projects for remediation using the Board's contractors. Staff is evaluating five additional projects at the current time and will follow-up on at least three others as soon as time permits.

**VI. Staff Recommendation**

Staff recommends allocating \$2,500,000 to a general category for loan and grant funding mechanisms and \$1,610,743 for Board contracts. This proportion reflects the program's previous funding, but allows an easier distribution of funds for loans and grants. Control of loans and grants is maintained by policy previously established by the Board. That policy allows a maximum of \$1,000,000 per loan, a maximum of \$750,000 per matching grant, and a maximum of \$500,000 per LEA grant. Policy includes 30% of annual funding for matching grants, as requested by Assemblywoman Eastin. By not allocating a specific amount for each funding mechanism the Board may approve funds to reflect current interests of applicants as they see the need. For instance, if two loan applications for \$1 million were received, or if two matching grants came in for \$500,000 and \$750,000, the Board could approve both if they were of a high priority and would not have to change prior approved allocations.

Staff also recommends allocating funds for Board Contracts without stipulating specific amounts for the two Remediation Contractors and the Environmental Consultant. Staff requests the ability to propose the contractor at the time a site is brought to the Board for funding approval. This allows staff to take advantage of geographic location of contractors, to be more responsive to local businesses and to negotiate lower remediation costs.

**VII. FUNDING INFORMATION**Amount Requested in Item: \$4,110,743**Fund Source:**

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☒ Other Solid Waste Disposal and Codisposal Cleanup Trust Fund

**Approved From Line Item:**

- ☒ Consulting & Professional Services
- ☐ Training
- ☐ Data Processing
- ☐ Other \_\_\_\_\_

**Redirection:**

If Redirection of Funds: \$ \_\_\_\_\_

Fund Source: \_\_\_\_\_

Line Item: \_\_\_\_\_

**VIII. ATTACHMENTS**

1. Resolution

**IX. APPROVALS**

Prepared by:	Marge Rouch <i>MR</i>	Phone:	255-2347
Reviewed by:	Charlene Herbst <i>CH</i>	Phone:	255-2301
Reviewed by:	Dorothy Rice <i>D. R. u</i>	Phone:	255-2341
Reviewed by:	Marie LaVergne	Phone:	255-2269
Reviewed by:	Kathryn Tobias <i>KT</i>	Phone:	255-2188

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION 96-447**

**FOR CONSIDERATION OF CONCURRENCE FOR ALLOCATION OF SOLID WASTE  
DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM FUNDS (AB 2136)**

**WHEREAS**, Public Resources Code (PRC) Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and to cleanup illegal disposal sites to protect public health and safety and the environment; and

**WHEREAS**, the Board has approved guidelines and policies for this program to cleanup sites; and

**WHEREAS**, this program allows the Board to expend funds directly for cleanup through its own contractors for cleanup;

**NOW THEREFORE, BE IT RESOLVED** that the Board approves allocation of 1996/1997 Solid Waste Disposal and Codisposal Site Cleanup Program Funds as follows:

Grants and Loan Program	\$2,500,000
Board Contracts	\$1,610,743

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 23, 1996

AGENDA ITEM 25

ITEM: CONSIDERATION OF A BOARD ENFORCEMENT POLICY WHICH PROVIDES GUIDANCE FOR LEA ENFORCEMENT PROGRAMS AND FOR BOARD STAFF

I. COMMITTEE ACTION

At the time this item was written, the Permitting and Enforcement committee had not yet taken action on it

II. SUMMARY

Issues

As a result of recent Board direction, Board staff have initiated the development of a Board Enforcement Policy in order to address several outstanding statewide solid waste enforcement issues. These issues include the need to:

- clarify the Board's state oversight role of LEA enforcement programs;
- develop strategies to bring facilities with chronic violations into compliance;
- consider enforcement alternatives for bringing facilities with significant change permit violations into compliance in a more timely manner; and
- provide technical assistance and training to LEAs on inspection and enforcement topics.

Approach

The Enforcement Policy (Policy) concept was initiated by a workgroup comprised of Board and LEA staff in August of 1996. The proposed Policy's primary goal is to ensure that facilities comply with applicable laws and regulations in order to improve environmental quality, protect public health and safety, and preserve natural resources. The Policy is an umbrella concept which ties together several different implementation elements designed to collectively address the above stated enforcement issues and achieve the primary goal. The following elements are included in the Policy:

- 1) **Enforcement Advisory** - This element describes inspection and investigative techniques and the various enforcement options available to LEAs. The document covers everything from operator notification of violations to Notice and Order development to the complex Administrative Civil Penalties (ACP) process. The section on ACPs will be the basis for a regulatory package designed to facilitate implementation of

this important enforcement tool. Also included in this advisory are sections on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards as well as Board enforcement assistance. This Advisory will be used extensively in the Board's training efforts. Attachment 1 contains an outline and summary of this element.

2) **Hearing Panel Advisory** - The hearing panel process is an integral part of an LEA's actions during various stages of the enforcement process. This advisory utilizes portions of a document created by the San Diego LEA and is designed to lead an LEA through the Hearing Panel process, including appeals to the Board. It will also be used for training and is scheduled for issuance in the spring of 1997.

3) **Inspection and Enforcement Training Program** - This is a three-part program which emphasizes a partnership in compliance among LEAs, operators and the Board. Part 1 will focus on landfill gas monitoring and control including the application of explosive gas control standards and monitoring protocol. It is scheduled for February/March 1997. Part 1, as well as Part 3 will include Board, LEA, and operator representatives as both trainers and trainees. Part 2 will focus on investigative techniques, enforcement options, and various strategies LEAs have successfully implemented to gain compliance. This will include LEA and Board staff as trainers and trainees and is scheduled for July/August, 1997. Part 3 will focus on inspections and the application of state minimum standards. This will be conducted in October/November, 1997.

4) **Permit Compliance Strategy** - This element will be developed in collaboration with LEAs and will focus on bringing all facilities into compliance with permitting requirements by a date certain. It will: (a) identify facilities which are in violation of permitting requirements, focusing on those which are long-term; (b) ascertain what obstacles have prevented operators from revising their permits or otherwise correcting the violation; and (c) recommend strategies for overcoming those obstacles.

In addition, this element will address the problems presented by using Notice and Orders to allow operators to operate facilities with significant change permit violations while revising their permit, sometimes over a period of several years. This current practice has resulted in facilities being able to violate SWFP requirements and, in most cases, predictably be assured of continuing the violations under a N&O while revising the SWFP. This may inadvertently encourage permit violations and significantly reduces the effectiveness of permits as a regulatory enforcement tool. Board and LEA staff will explore



alternative enforcement scenarios including the possibility of new or revised regulations in order to ensure the effectiveness of a SWFP as a regulatory tool.

5) **Field Inspection Program** - This element has been in place for several years and consists primarily of Board staff inspections in conjunction with LEAs, and follow-up enforcement assistance to LEAs.

6) **State Oversight Role Procedures** - This element will be a procedural document for reviewing chronic violations or violations which threaten public health and safety or the environment, and, if necessary, taking steps to ensure appropriate actions are being implemented by the LEA. It will include criteria for determining when the LEA is failing to take appropriate enforcement action. Also included will be a protocol for the Board taking enforcement action when the LEA fails to do so.

Most elements are currently under development and will go through various levels of review by Board and LEA staff before being brought before the Board for consideration and subsequent finalization and implementation. Staff plans to come back before the Committee in January 1997 with key element numbers one, four, and six for the Committee's consideration and input. Some elements will entail the promulgation of regulations. The need for regulations and their relative scope will be identified as early as possible as the various elements are more fully developed.

### III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the Enforcement Policy as presented in this agenda item.
2. Approve the Enforcement Policy as presented in this agenda item with recommended changes and/or additions.
3. Direct staff to revise the Enforcement Policy as presented in this agenda item and/or provide additional information at a future Permitting and Enforcement Committee Meeting.

### IV. STAFF RECOMMENDATION

Staff recommends option 1, which is the approval of the Enforcement Policy as presented in this item.

## V. ANALYSIS

### Background

During the course of Board meetings earlier this year, the Board identified some outstanding statewide enforcement related issues and directed staff to address them. Concurrently, Partnership 2000 (P-2000), a group of Board staff and LEAs, began meeting to address similar issues. As a result of Board direction and P-2000 efforts, a workgroup was formed to develop an Enforcement Policy to address the following issues.

### Key Issues

- Clarify the Board's state oversight role of LEA enforcement programs;
- Develop strategies to bring facilities with chronic violations into compliance;
- Consider enforcement alternatives for bringing facilities with significant change permit violations into compliance in a more timely manner; and
- Provide technical assistance and training to LEAs on inspection and enforcement topics.

### State Oversight Role

As required by PRC §§ 43101(b)(8), 43214, 43217, 43219(b), 43220, 43302 and 14 CCR § 18350(c), the Board's primary functions regarding an LEA's inspection and enforcement program are to:

- provide technical assistance, training, support, and guidance to LEAs;
- ensure that LEAs keep the facilities in their jurisdiction in compliance with applicable laws and regulations, by conducting periodic inspections at those facilities and, if necessary, encouraging and assisting LEAs in taking enforcement actions; and
- evaluate the effectiveness of the LEA program.

Secondarily, the Board may take appropriate enforcement actions when the LEA fails to do so. Additionally, it is the Board's responsibility to implement procedures for withdrawal of its approval of a local enforcement agency's designation if it finds that the LEA is not fulfilling its

responsibilities. Various statutes and regulations describe the Board's authority, responsibilities and options when an LEA fails to take appropriate enforcement action to remedy documented violations. These include PRC §§ 43214, 43215, 43216, 43216.5, 43219(c&d), 43300, 45012 and 14 CCR § 18350.

#### **Appropriate Enforcement Action**

In the past, Board policy regarding appropriate enforcement action has tended to focus on requiring specific actions by the LEA for particular facility violations. For example, the 1990 Permit Enforcement Policy required an LEA to issue a Notice and Order for Solid Waste Facility Permit violations. Some LEAs have been reluctant to follow this type of policy and maintained that this type of uniform approach to addressing particular violations does not allow the flexibility needed to take into account local concerns and site-specific conditions.

Staff feels that a "one size fits all" prescriptive enforcement policy is not the best approach as illustrated by the following factors:

- There are 54 individual Local Enforcement Agencies, each with its own Enforcement Program Plan for addressing violations at solid waste facilities.
- There are a variety of enforcement options available for LEAs to use in order to cause operators to correct violations.
- Each LEA has its own historical knowledge of which enforcement actions will work in particular situations.
- There are over 500 permitted solid waste facilities of various types, each with its own particular operator, SWFP, environmental characteristics, and adjacent land uses.
- For each type of facility, there are many different standards which can be violated in a number of ways and to varying degrees.

Each of these factors adds to the complexity of the situation and has ramifications regarding which enforcement actions are taken. It would be very difficult to take into account all of these factors in a prescriptive statewide enforcement mandate. Therefore, the proposed Policy expressly allows LEAs discretion in determining which enforcement actions to take to remedy violations at solid waste facilities.

There are however, specific cases where statutes or regulations require specific enforcement actions to be taken by an LEA for particular situations. For example, if the LEA determines that a solid waste facility is operating without a permit, PRC §44002 requires the LEA, as of October 16, 1996, to issue a cease and desist order to immediately cease operations. In other cases where there is no mandated enforcement response, the LEAs are free to determine which actions are appropriate for a particular situation, consistent with their individual Enforcement Program Plans and in conformance with procedural and content requirements found in statutes and regulations.

#### **Board Oversight Focus: Chronic or Serious Violations**

In seeking to ensure that facilities are in compliance with applicable laws and regulations, the Policy provides that the Board will focus on chronic violations and violations which threaten public health and safety or the environment. Either of these two situations will prompt Board staff to look first at the operator's progress toward achieving compliance, rather than at any particular action the LEA may or may not be taking. However, if timely progress toward compliance is not forthcoming, the Board will review the LEA's actions to determine if the LEA is escalating their enforcement response accordingly. If not, the Board will as necessary assist and encourage the LEA to take appropriate enforcement action to remedy the violation. However, should the LEA be unwilling or unable to take appropriate enforcement action the Board may do so.

Proper documentation by both the LEA and Board staff throughout all stages of the above process is critical to its success and will be an integral part of the State Oversight Role element. This element will set forth in detail how to determine if appropriate enforcement actions are being taken and Board procedures when LEAs fail to take appropriate enforcement actions. It is anticipated that regulations will need to be developed to fully implement this element.

#### **Chronic Permit Violations Compliance Strategy**

The Permit Compliance Strategy element is being developed in collaboration with LEAs and will focus on bringing all facilities into compliance with permitting requirements by a date certain. It will:

- Identify facilities which are in violation of PRC § 44004 permitting requirements, focusing on those which are long-term;

- Ascertain what obstacles have prevented operators from revising their permits or otherwise correcting the violation; and
- Recommend and implement strategies for overcoming those obstacles.

The facilities which are in violation of PRC §44004, and have undergone significant changes in design or operation not authorized by the SWFP, have been identified and are listed in Attachment 2. There are 52 facilities on the list. Thirty-five violations have been ongoing for two years or more. Board staff have additionally polled LEAs to determine what obstacles are preventing operators from revising their permits. Results indicate that requirements regarding CEQA, Financial Assurances, an updated RFI or PSR, and closure/postclosure maintenance plans, are identified as the most frequent reasons for delayed revisions. Less frequent obstacles mentioned are operators changing their minds as to whether or not to close a facility, obtaining local land use permits, and long term gas violations.

Options for bringing these facilities into compliance will be brought to the Committee/Board for consideration in January 1997.

#### **Enforcement Alternatives for Significant Change Violations**

The Permit Compliance Strategy element will also address the problems presented by the consistent use of Notice and Orders to allow operators to operate facilities with significant change permit violations while revising their permits, sometimes over a period of several years. This current practice has resulted in facilities being able to violate SWFP requirements and, in most cases, predictably be assured of continuing the violations under a N&O while revising the SWFP. This may inadvertently encourage permit violations and essentially results in a circumvention of PRC §44004, which requires the operator to obtain a permit revision prior to initiating significant change at the facility. The SWFP ultimately loses its effectiveness as a regulatory enforcement tool.

Board staff will reconvene the joint Board/LEA workgroup to consider the permit compliance and enforcement issues discussed above and develop options for resolving them. It is likely that some of the options will involve the development of regulations as part of the overall strategy. Staff will bring these options before the Board for consideration in January 1997.

### Technical Assistance and Training

Another important function of the Board in the enforcement area is to equip LEAs with the necessary regulatory tools, training and assistance to successfully resolve enforcement issues in their respective jurisdictions.

The Policy addresses this issue with the following four elements:

- Development and issuance of the Enforcement Advisory;
- Development and issuance of a Hearing Panel Advisory;
- Development and implementation of an LEA Inspection and Enforcement Training Program; and
- Continued implementation of the Board's inspection and enforcement program.

In addition, any necessary regulatory changes or additions which are identified during the development of the first three Policy elements will be pursued by Board staff.

### Fiscal Impacts

None

## VI. ATTACHMENTS

1. Enforcement Advisory Outline
2. List of facilities With Significant Change Violations
3. Resolution Approving the Board Enforcement Policy

## VII. APPROVALS

Prepared By:	Paul Willman <i>Paul Willman</i>	Phone:	<u>(909) 798-1549</u>
Reviewed By:	John Bell <i>John Bell</i>	Phone:	<u>255-2285</u>
Reviewed By:	Dorothy Rice <i>D. Rice</i>	Phone:	<u>255-2431</u>
Legal Review:	<i>Kathryn J. Johnson</i>	Date/Time:	<u>10/10/96</u>

# DRAFT

## ENFORCEMENT ADVISORY OUTLINE AND SUMMARY

### OUTLINE

#### I. INTRODUCTION

- Goals and Summary
- LEA Enforcement Responsibilities
- Board Responsibilities
- Appropriate Enforcement Actions

#### II. ENFORCEMENT OPTIONS

- Recordkeeping
- Inspections and Notification of Violations
- Notice and Orders
- Enforcement of Notice and Orders
- Full SWFP Modification
- Other Options

#### III. CASE DEVELOPMENT AND ADMINISTRATIVE CIVIL PENALTIES

- Environmental Investigations
- Consideration of Penalty
- Preparing and Issuing the Order
- Hearings and Appeals

#### IV. BOARD ASSISTANCE

- Legal
- Technical
- Financial Assurance

#### V. REQUIRED ENFORCEMENT ACTIONS

- Threat to Public Health and Safety or the Environment
- Operating without a SWFP

## **ENFORCEMENT ADVISORY GOALS AND SUMMARY**

The goal of the Enforcement Advisory is to assist and guide LEAs in taking any necessary enforcement actions to achieve facility compliance with solid waste laws and regulations and protect public health and safety and the environment. The advisory discusses LEA enforcement responsibilities and describes various enforcement options available to LEAs to remedy violations of solid waste laws and regulations, including both State Minimum Standard (SMS) and Solid Waste Facilities Permit (SWFP) violations. General guidance is included regarding which enforcement action(s) to take when a solid waste facility (SWF) is operated in violation of SMS and SWFP requirements.

Changes and additions to the Public Resources Code (PRC) brought about by the passage of AB 59, effective October 16, 1995, have been incorporated into the advisory, including a separate section on procedures and guidance for pursuing Administrative Civil Penalties (ACP). It should be noted that changes in the PRC brought about by AB 59 necessitate changes and additions to Title 14, California Code of Regulations (14 CCR) regarding enforcement actions for solid waste facilities. Regulations will be pursued by Board staff to include those changes and additions.

This advisory is an integral part of the Board's overall Enforcement Policy and is intended to partially fulfill the Board's responsibility to provide assistance and guidance to LEAs in matters of enforcement. As a follow up to this advisory, Board staff is planning joint Board and LEA training and workshop sessions designed to improve the effectiveness and efficiency of enforcement implementation and promote information sharing regarding which enforcement strategies work best in particular situations.



**Facilities With Significant Change Violations  
September 5, 1996**

<b>SWIS No.</b>	<b>FACILITY</b>	<b>JURISDICTION</b>	<b>ENFORCEMENT ORDER?</b>	<b>DURATION</b>
04-AA-0002	Neal Road LF	Butte Co.	Yes	Short-term
04-AC-0020	City of Chico Leaf Composting	Chico	No	"
12-AA-0005	Cummings Road LF	Humboldt Co.	Yes	Long-term
06-AA-0003	Maxwell Transfer Station	Colusa Co.	"	"
10-AA-0004	City of Clovis Landfill	Fresno Co.	Yes, expired	Short-term
10-AA-0006	Coalinga DS	"	Yes	"
12-AA-0033	City Garbage Transfer Station	"	No	Long-term
14-AA-0003	Lone Pine DS	Inyo Co.	Yes	"
14-AA-0004	Independence DS	"	"	Short-term
14-AA-0005	Bishop-Sunland LF	"	"	Long-term
14-AA-0006	Shoshone DS	"	"	"
14-AA-0007	Tecopa DS	"	"	"
15-AA-0045	Boron DS	Kern Co.	"	Short-term
15-AA-0050	Arvin Sanitary Landfill	"	"	Long-term
15-AA-0052	Lost Hills Sanitary Landfill	"	"	"
15-AA-0055	Kern Valley Sanitary Landfill	"	No	Short-term
15-AA-0061	Taft Sanitary Landfill	"	Yes	Long-term
15-AA-0062	Tehachapi Sanitary Landfill	"	"	"
15-AA-0153	Valley Tree & Construction DS	"	No	"
16-AA-0009	Hanford Landfill	Kings Co.	"	Short-term
18-AA-0009	Bass Hill Landfill	Lassen Co.	"	"
19-AF-0001	BKK LF	West Covina	Yes	Long-term
24-AA-0001	Highway 59 Landfill	Merced Co.	"	Short-term
24-AA-0002	Billy Wright Landfill	"	"	"
25-AA-0001	Alturas Landfill	Modoc Co.	No	"
26-AA-0001	Walker Sanitary Landfill	Mono Co.	Yes	Long-term
26-AA-0003	Pumice Valley Landfill Site	"	"	"
26-AA-0004	Benton Crossing Landfill	"	"	"
31-AA-0210	Western Regional Landfill	Placer Co.	"	"
31-AA-0623	Berry St. Mall Transfer Station	"	"	Short-term
33-AA-0017	Blythe Sanitary Landfill	Riverside Co.	No	Long-term
34-AA-0002	North Area Transfer Station	Sacramento Co.	Yes	"
34-AA-0021	Fruitridge Transfer station	"	"	"
34-AA-0007	Dixon Pit Landfill	"	"	"
<b>SWIS No.</b>	<b>FACILITY</b>	<b>JURISDICTION</b>	<b>ENFORCEMENT ORDER?</b>	<b>DURATION</b>
36-AA-0051	Colton Refuse Disposal Site	San Bernardino Co.	"	"

**Facilities With Significant Change Violations**  
**September 5, 1996**

36-AA-0054	Milliken refuse Disposal Site	"	"	"
36-AA-0056	Big Bear Refuse Disposal Site	"	"	"
37-AA-0010	Otay Annex LF	San Diego Co.	No	"
37-AA-0023	Miramar LF	"	"	"
37-AA-0200	Barrett Junction Transfer Station	"	"	Short-term
37-AA-0207	Ranchita Transfer Station	"	"	Long-term
40-AA-0001	Paso Robles Landfill	San Luis Obispo Co.	Yes	Short-term
42-AA-0010	New Cuyama Landfill	Santa Barbara Co.	"	Long-term
42-AA-0011	Foxen Canyon Landfill	"	"	"
42-AA-0013	Ventucopa Landfill	"	"	"
42-AA-0016	City of Santa Maria Landfill	"	"	"
43-AM-0001	City of Palo Alto	Palo Alto	"	"
43-AN-0007	Zanker Road Landfill	Santa Clara Co.	No	"
43-AO-0002	Richard Avenue Recycling	San Juan Bautista	"	"
47-AA-0002	Yreka Landfill	Siskiyou Co.	Yes	Short-term
47-AA-0003	Black Butte Landfill	"	No	"
54-AA-0008	Woodville Disposal Site	Tulare Co.	"	Long-term

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
RESOLUTION NO. 96-441

WHEREAS, IWMB staff developed the Board Enforcement Policy Framework according to all statutory and regulatory requirements; and

WHEREAS, all appropriate IWMB staff have reviewed and approved the proposed Board Enforcement Policy Framework; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board finds that the proposed Board Enforcement Policy Framework is consistent with statutory and regulatory requirements and, therefore, approves the Board Enforcement Policy Framework for implementation by Board staff.

CERTIFICATION

The undersigned Executive Officer of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held May 29, 1996.

Dated:

Ralph E. Chandler  
Executive Officer

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting

October 23, 1996

AGENDA ITEM 26

ITEM: CONSIDERATION, APPROVAL AND ADOPTION OF NEGATIVE  
DECLARATION AND PROPOSED REGULATIONS FOR THE HANDLING  
AND DISPOSAL OF ASBESTOS CONTAINING WASTE

I. SUMMARY

Chapter 1227, Statutes of 1994 (AB 688, Sher) created Public Resources Code (PRC) section 44820. Section 44820 requires the California Integrated Waste Management Board (IWMB) to adopt regulations creating a permit, inspection and enforcement program for the disposal of asbestos containing waste at solid waste facilities, as specified in section 25143.7 of the Health and Safety Code (HSC). PRC 44820 also requires the IWMB to enter into a memorandum of understanding (MOU) with the Department of Toxic Substances Control (DTSC). A MOU between the IWMB and DTSC regarding the management of asbestos containing waste at non-class I facilities specified in section 25143.7 HSC was signed May 18, 1995. The MOU expires on December 31, 1998.

Section 25143.7 HSC allows for the disposal of asbestos containing waste to non-class I landfills. The non-class I landfills must have waste discharge requirements (WDR) issued by the regional water quality control board that allow the disposal of asbestos containing waste. The statute also requires that the asbestos containing waste be handled in accordance with the federal Toxic Substances Control Act (P.L. 94-469) and "all applicable laws and regulations."

Emergency regulations establishing minimum standards for owners and operators of non-class I facilities that accept asbestos containing waste were adopted by the IWMB and became effective on August 1, 1996. The emergency regulations are effective until November 29, 1996.

The notice of proposed rulemaking for the permanent regulations was published on August 23, 1996. The formal comment period concluded on October 9, 1996.

The negative declaration (SCH # 96082101) for the proposed regulations was published in the Sacramento Bee and the Los Angeles Times. The public comment period began on August 29, 1996 and ended on September 29, 1996.

A public hearing was held during the October 9, 1996 Permitting and Enforcement Committee. Several commentors requested that clarifying language be added to the regulatory text. After reviewing comments, Board staff have included clarifying language to the proposed regulatory text.

## **II. PREVIOUS COMMITTEE ACTION**

On April 19, 1995, the Permitting and Enforcement Committee approved a memorandum of understanding between the DTSC and the IWMB defining the enforcement duties of each agency for handling asbestos containing waste (ACW) at all non-class I disposal sites. On December 13, 1995, the Board approved adoption of emergency regulations for the handling and disposal of asbestos containing waste.

On October 9, 1996, the Permitting and Enforcement Committee directed staff to add clarifying language to the regulatory text based upon comments received. The Permitting and Enforcement Committee agreed to forward the regulations and negative declaration to the Board for approval.

## **III. STAFF RECOMMENDATION**

Staff recommend that the Board approve the negative declaration (SCH # 96082101) for the proposed regulations.

Staff recommend that the Board approve the text of the proposed regulations, with the addition of the clarifying language added in subsection (a) of section 17897, and

section 17897.10 in the definition of "asbestos containing waste."

#### IV. ANALYSIS

##### Background

Both State and Federal hazardous waste control laws and regulations require persons generating waste to determine if that waste is hazardous waste. Existing regulations establish the standards for generation, storage, transportation, treatment and disposal of hazardous waste. These standards are intended to ensure that hazardous waste is managed in a manner that protects human health and the environment. The statutes governing the management of hazardous waste in California are contained in Health and Safety Code, Division 20, Chapter 6.5. The regulations governing the management of hazardous waste in California are found in California Code of Regulations, Title 22, Division 4.5.

Section 66261.24(a)(2), Title 22, California Code of Regulations (CCR), defines hazardous waste criteria for substances which are listed due to their persistent or bioaccumulative nature. DTSC has adopted criteria for ACW. DTSC classifies friable, finely divided and powdered wastes containing at least one percent asbestos as hazardous waste.

DTSC has adopted specific treatment standards to allow for the disposal of ACW. The treatment standards must be met prior to ACW being landfilled. These treatment standards are in Title 22, CCR, section 66268.114.

Section 25143.7 HSC allows ACW to be disposed in any landfill that possesses waste discharge requirements (WDR) allowing the disposal of ACW. In addition to the WDR issued by the appropriate regional water quality control board, the landfill is required to comply with the federal Toxic Substances Control Act (P.L. 94-469) as it applies to asbestos. Section 25143.7 allows the disposal of ACW into non-hazardous solid waste landfills (non-class I landfills) and other unclassified waste management units.

In May 1993, the IWMB approved proposed ACW disposal regulations for adoption into Title 22, CCR. DTSC drafted the proposed regulations in collaboration with the IWMB. DTSC did not adopt these regulations into Title 22, CCR.

Assembly Bill 688 (1994) created PRC section 44820. Section 44820 requires the IWMB to 1) adopt regulations creating an inspection, permitting and enforcement program for the disposal of asbestos containing waste at disposal sites regulated by the IWMB; 2) enter into a memorandum of understanding with DTSC defining enforcement responsibilities for each agency; and 3) allows the IWMB to delegate the permitting, inspection and enforcement program to local enforcement agencies.

After the passage of AB 688, DTSC recommended to IWMB staff that the proposed Title 22, CCR regulations be rewritten for adoption into Title 14, CCR. The IWMB and DTSC entered into a memorandum of understanding on May 18, 1995. Section 44820 requires the IWMB to adopt these regulations as emergency regulations, deemed necessary for the immediate preservation of public peace, health, safety, or general welfare.

#### Key Issues

##### Adopted Emergency Regulations

The IWMB received approval for emergency regulations for the handling and disposal of asbestos containing waste on August 1, 1996, from the Office of Administrative Law. Emergency regulations are effective for a period of 120 days from the date of approval. The effective date for the emergency regulations ends on November 29, 1996. If the IWMB fails to complete the rulemaking process before November 29, 1996, the IWMB must apply for an extension from the Office of Administrative Law or allow the emergency regulations to sunset.

#### Fiscal Impacts

##### Impacts to the Board

The IWMB did not receive funding in AB 688 for assuming the responsibility for regulating ACW at non-class I disposal sites. DTSC retains authority to collect fees for the generation, transportation, storage and disposal of ACW at non-class I facilities. In April 1994, the Board directed staff to obtain the authority to regulate ACW at non-class I disposal sites with the knowledge that there would be no transfer of funds or PY's from the Department. The IWMB's Permitting and Enforcement Division has developed these proposed regulations and is responsible for implementing a permitting, inspection and enforcement program.

VI. ATTACHMENTS

1. Text of Proposed ACW regulations
2. Negative Declaration for proposed ACW regulations
3. Resolution number 96-435
4. Resolution number 96-436

VII. APPROVALS

Prepared By:	<u>Keith Kihara</u> <i>KK</i>	Phone:	<u>255-3889</u>
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Reviewed By:	<u>Dorothy Rice</u> <i>D. Rice</i>	Phone:	<u>255-2431</u>
Legal Review:	<u>Elliot Block</u> <i>EB</i>	Date/Time:	<u>255-2821</u> <i>10/15/96</i>



1 TITLE 14. DIVISION 7

2  
3 CHAPTER 3.5. STANDARDS FOR HANDLING AND DISPOSAL OF  
4 ASBESTOS CONTAINING WASTE

5  
6 Article 1. General

7  
8 §17897 Purpose, Scope and Applicability

9  
10 (a) The purpose of this chapter is to establish minimum  
11 standards that define the acceptable management of asbestos  
12 containing waste. The standards of this chapter apply only  
13 to the owner or operator of a solid waste facility who  
14 disposes of asbestos containing waste, pursuant to Health  
15 and Safety Code section 25143.7.

16  
17 (b) Nothing in these Articles shall be construed as  
18 relieving any owner, operator, or designee from the  
19 obligation of obtaining all required permits, licenses, or  
20 other clearances and complying with all orders, laws,  
21 regulations, or reports, or other requirements of other  
22 regulatory or enforcement agencies, including but not  
23 limited to, local health agencies, regional water quality  
24 control boards, air quality management districts or air  
25 pollution control districts, local land use authorities, and  
26 fire authorities.

27  
28 Note: Authority cited: Section 44820, Public Resources Code.  
29 References: Section 25143.7, Health and Safety Code.

30  
31 §17897.10 Definitions

32  
33 The following definitions are to be used only for the  
34 purposes of this Chapter.

35  
36 "Adequately wet" means waste that is sufficiently mixed or  
37 penetrated with liquid to prevent the release of finely  
38 divided particles. Spraying water over the surface of  
39 asbestos containing waste does not satisfy "adequately wet"  
40 requirement.

41  
42 "Asbestos Containing Waste" or "ACW" means asbestos  
43 containing waste managed at a landfill as authorized by  
44 section 25143.7, chapter 6.5 of the California Health and

1 Safety Code which contains greater than one percent (1%)  
2 friable asbestos by weight. Asbestos containing waste does  
3 not include waste contaminated with another hazardous waste  
4 as identified in chapter 11, division 4.5, title 22,  
5 California Code of Regulations.

6  
7 "Designated Asbestos Containing Waste Disposal Area" means  
8 an area specifically designated for the disposal of asbestos  
9 containing waste at a solid waste facility. A specifically  
10 designated area is a dedicated disposal area. The area shall  
11 be identified on a survey plat containing the location and  
12 dimensions of the area with respect to permanently surveyed  
13 vertical and horizontal control monuments. This survey plat  
14 shall be prepared and certified by a professional land  
15 surveyor licensed in California or a civil engineer  
16 authorized to practice land surveying in California. The  
17 designated area shall be delineated with physical barriers,  
18 such as a fence, and signs.

19  
20 "Disposal" means the final deposition of asbestos containing  
21 waste onto the land, into the atmosphere or into the waters  
22 of the state.

23  
24 "Enforcement Agency" means the California Integrated Waste  
25 Management Board or its designee.

26  
27 "Excavation" means any activity that exposes buried asbestos  
28 containing waste to the atmosphere.

29  
30 "Handling" means the collection, processing, treatment, or  
31 packaging of asbestos containing waste for disposal.

32  
33 "Leak tight" means that solids or liquids cannot escape or  
34 spill out. It also means dust tight.

35  
36 "Natural barrier" means a natural object that effectively  
37 precludes or deters access. Natural barriers include  
38 physical obstacles such as cliffs, lakes, or other large  
39 bodies of water, deep and wide ravines, and mountains.  
40 Remoteness by itself is not a natural barrier.

41  
42 "Solid waste facility" means any class II or class III  
43 landfill as defined in sections 2532 and 2533, chapter 15,  
44 title 23, California Code of Regulations (CCR); and any

1 unclassified waste management unit which accepts inert waste  
2 as defined in section 2524, chapter 15, title 23, CCR.

3  
4 "Visible emissions" means any emissions that are visually  
5 detectable without the aid of instrument, coming from  
6 asbestos containing waste or from handling and disposal of  
7 asbestos containing waste. This does not include condensed  
8 uncombined water vapor.

9  
10 Note: Authority cited: Section 44820, Public Resources Code.  
11 References: Section 25143.7, Health and Safety Code; 40 CFR  
12 Part 61 Section 140, appendix F Subpart M.

13  
14  
15 §17897.15 Schedules of Compliance

16  
17 (a) The owner or operator of a solid waste facility that  
18 disposes of asbestos containing waste (ACW) in accordance  
19 with section 25143.7 of the Health and Safety Code on or  
20 after August 1, 1996 and does not possess a solid waste  
21 facilities permit shall:

22  
23 (1) Comply with the security, inspection, manifest system,  
24 recordkeeping and reporting requirements specified in this  
25 chapter on or before October 30, 1996.

26  
27 (2) Implement the approved change(s) according to a  
28 schedule of compliance established by the Enforcement  
29 Agency.

30  
31 (3) Obtain a solid waste facilities permit on or before  
32 November 29, 1997.

33  
34 (b) The owner or operator of a solid waste facility that  
35 disposes of ACW in accordance with section 25143.7 of the  
36 Health and Safety Code on or after August 1, 1996 and has a  
37 solid waste facilities permit which regulates the disposal  
38 of asbestos containing waste shall:

39  
40 (1) Comply with the security, inspection, manifest system,  
41 recordkeeping and reporting requirements specified in this  
42 chapter on or before October 30, 1996.

1 (2) Implement the approved change(s) according to a  
2 schedule of compliance established by the Enforcement  
3 Agency.

5 (3) Obtain approval for RDSI amendments on or before  
6 November 29, 1997.

8 (c) The owner or operator of a solid waste facility that  
9 disposes of ACW in accordance with section 25143.7 of the  
10 Health and Safety Code on or after August 1, 1996 and has a  
11 solid waste facilities permit which does not regulate the  
12 disposal of asbestos containing waste shall:

14 (1) Comply with the security, inspection, manifest system,  
15 recordkeeping and reporting requirements specified in this  
16 chapter on or before October 30, 1996.

18 (2) Implement the approved change(s) according to a  
19 schedule of compliance established by the Enforcement  
20 Agency.

22 (3) Obtain a revised solid waste facilities permit on or  
23 before November 29, 1997.

25 (d) The owner or operator of a solid waste facility that  
26 has not disposed of ACW in accordance with section 25143.7  
27 of the Health and Safety Code on or before August 1, 1996  
28 and intends to dispose of ACW shall file an application for  
29 a permit revision request pursuant to article 3.1, chapter 5  
30 of this division to the Enforcement Agency and comply with  
31 the provisions specified in this chapter.

33 (e) The owner or operator of a new solid waste facility who  
34 intends to dispose of ACW in accordance with section 25143.7  
35 of the Health and Safety Code after August 1, 1996 shall  
36 file an application for a new permit pursuant to article  
37 3.1, chapter 5 of this division to the Enforcement Agency  
38 and comply with the provisions specified in this chapter.

40 Note: Authority cited: Section 44820, Public Resources Code.  
41 References: Section 25143.7, Health and Safety Code.

43 Article 2. Standards  
44

1 §17897.16 General Standards

2  
3 The owner or operator of any solid waste facility that  
4 disposes of asbestos containing waste shall ensure that the  
5 designated asbestos containing waste disposal area complies  
6 with requirements specified in this division. The  
7 designated asbestos containing waste disposal area shall be  
8 located, designed, constructed, operated and maintained so  
9 that it will protect public health, worker safety, and the  
10 environment.

11  
12 Note: Authority cited: Section 44820, Public Resources Code.  
13 References: Section 25143.7, Health and Safety Code.  
14

15 §17897.18 Design and Operating Requirements

16  
17 The owner or operator of a solid waste facility that  
18 disposes of asbestos containing waste shall:

19  
20 (a) establish a designated asbestos containing waste  
21 disposal area for the disposal of asbestos containing waste  
22 as defined in section 17897.10;

23  
24 (b) establish a site control program with work zones and  
25 control points at the designated asbestos containing waste  
26 disposal area. At a minimum, work zones should be  
27 established for the active face, designated disposal area,  
28 handling and support areas;

29  
30 (c) segregate asbestos containing waste from refuse. At no  
31 time shall asbestos containing waste be disposed with  
32 refuse;

33  
34 (d) establish a means to prevent any visible emissions  
35 outside the designated asbestos containing waste disposal  
36 area during handling and disposal operations;

37  
38 (e) maintain the integrity of leak-tight containers and/or  
39 packaging at all times during the handling and disposal  
40 operations;

41  
42 (f) minimize the release and exposure of asbestos containing  
43 waste after placement in the disposal area by not compacting  
44 the waste prior to application of cover, at no time shall

1 compaction equipment come into contact with asbestos  
2 containing waste containers or packaging;

3  
4 (g) after deposit, the owner or operator shall cover the  
5 asbestos containing waste with sufficient cover material to  
6 ensure complete coverage of the disposed asbestos containing  
7 waste and prevent re-exposure during continuing disposal  
8 operations.

9  
10 (h) cover shall be applied to the asbestos containing waste  
11 at a frequency that minimizes releases to the environment  
12 and threats to human health, but at a minimum of once every  
13 operational hour. An alternative frequency may be  
14 prescribed if the Enforcement Agency deems it appropriate.

15  
16 Note: Authority cited: Section 44820, Public Resources Code.  
17 References: Section 25143.7, Health and Safety Code.

18  
19 §17897.19 Additional Requirements

20  
21 (a) The owner or operator shall not accept asbestos  
22 containing waste without having received an Identification  
23 Number as described in section 66260.10, title 22,  
24 California Code of Regulations (CCR), following the  
25 procedure specified by the Department of Toxic Substances  
26 Control.

27  
28 (b) In addition to any requirements already imposed on  
29 landfills by Title 14, Division 7, Chapter 3 (commencing  
30 with section 17200) and Chapter 5 (commencing with section  
31 18010), and in lieu of any requirements imposed by Title 8  
32 and Title 22, the owner or operator shall comply with the  
33 following requirements:

34  
35 (1) Provide additional site security to that required in  
36 article 7.4 of chapter 3 of this division (commencing with  
37 section 17656) to prevent unauthorized entry of persons into  
38 the designated asbestos containing waste disposal area.  
39 These requirements include:

40  
41 (A) A surveillance system which continuously monitors and  
42 controls entry by the public into the designated asbestos  
43 containing waste disposal area or means to control entry  
44 into the designated asbestos containing waste disposal area

1 at all times, unless the entire facility meets the above  
2 requirements or the facility does not allow public access.

3  
4 (B) Post warning signs as specified in this section around  
5 the designated asbestos containing waste disposal area.  
6 These signs must be posted in a manner so that a person can  
7 read them. These signs shall be at least 51 cm X 36 cm (20  
8 inch x 14 inch) and state the following information:

9  
10 **DANGER**

11 **Asbestos Waste Disposal Site**

12 **Do Not Create Dust**

13 **Breathing Asbestos Is Hazardous To Your Health**

14  
15 The top line shall be in at least one and three fourths inch  
16 (4.4 cm) type. The second line shall be in at least one  
17 inch (2.5 cm) type. The third line shall be in at least  
18 three fourths inch (1.9 cm) type. The last line shall be in  
19 at least 48 point type. All four lines shall be in Sans  
20 Serif, Gothic or Block type. The line spacing shall be  
21 equal or greater to the height of the upper line. The  
22 legend shall be written in English, Spanish and in any other  
23 language predominant in the area surrounding the solid waste  
24 facility.

25  
26 (2) In addition to disposal site records specified in  
27 article 7.3 of chapter 3 of this division (commencing with  
28 section 17636), maintain the additional information required  
29 by article 5, chapter 15, division 4.5, title 22, CCR as it  
30 relates to hazardous waste manifests and recordkeeping.

31  
32 (A) The solid waste facility shall comply with the  
33 requirements of chapter 18, division 4.5, title 22, CCR as  
34 they apply to the notification/certification/treatment of  
35 asbestos containing waste prior to land disposal. At a  
36 minimum, the solid waste facility should ensure that the  
37 asbestos containing waste is adequately wet or treated so  
38 that it meets this standard prior to disposal.

39  
40 (B) The solid waste facility shall maintain an operating  
41 record as part of the disposal site record. This operating  
42 record shall include the following information: the  
43 quantity and date of each shipment of asbestos containing  
44 waste received, the disposal location(s) of each shipment of

1 asbestos containing waste, a summary report of all incidents  
2 which require implementation of the contingency plan.  
3 results of inspection required by section 17897.20, and  
4 training records as specified in subsection (c)(2)(B) of  
5 this section. The operating record shall be maintained  
6 until closure of the facility.

7  
8 (3) Meet the requirements for financial responsibility for  
9 liability claims and closure and post closure as specified  
10 in articles 3.3 and 3.5 of chapter 5 of this division.

11  
12 (c) The owner or operator shall at a minimum comply with the  
13 following additional requirements:

14  
15 (1) The solid waste facility shall prepare a contingency  
16 plan. The contingency plan shall be designed to minimize  
17 the hazard to human health or the environment from unplanned  
18 sudden or non-sudden release of asbestos containing waste to  
19 the air, soil or water. The provisions of this plan shall  
20 be carried out immediately when a release could threaten  
21 human health or the environment.

22  
23 (A) The contingency plan shall describe the actions  
24 facility personnel shall take in response to a release of  
25 asbestos containing waste. The plan shall describe  
26 arrangements agreed to by local emergency response agencies.  
27 The plan shall list names, addresses and telephone numbers  
28 of all persons qualified to act as emergency coordinators.  
29 This list shall be kept up to date. The plan shall list all  
30 emergency equipment located at the facility. This list  
31 shall be kept up to date. The plan shall include a  
32 description of each item on the list and a brief description  
33 of its capabilities. The plan shall describe a signal to  
34 begin evacuation, identify routes for evacuation, and  
35 identify alternate routes.

36  
37 (B) The contingency plan shall be amended whenever: the  
38 regulations change, the plan fails, the facility changes in  
39 operation, the list of emergency coordinators changes, or  
40 the list of emergency equipment changes.

41  
42 (C) The owner or operator shall note in the operating  
43 record the time, date, and details of any incident that  
44 requires implementing the contingency plan. Within 15 days



1 after the incident, the owner or operator shall submit a  
2 written report on the incident to the Enforcement Agency.

3  
4 (2) Solid waste facility personnel shall complete a program  
5 of classroom instruction or on-the-job training that teaches  
6 them to perform their duties in a way which ensures the  
7 facility's compliance with these requirements.

8  
9 (A) The training program shall be directed by a person  
10 trained in asbestos waste management procedures. At a  
11 minimum, the training program shall be designed to ensure  
12 that facility personnel are capable of responding  
13 effectively to an emergency by familiarizing them with the  
14 contingency plan. Personnel shall successfully complete the  
15 training described within six months of their assignment to  
16 duties which manage asbestos containing waste. Personnel  
17 shall also take part in an annual review of the initial  
18 training. No personnel shall work unsupervised until they  
19 have completed the training described in this section.

20  
21 (B) The owner or operator shall maintain the following  
22 documents and records at the facility: a job title for each  
23 job related to asbestos containing waste management and the  
24 name of each person filling that job; a written description  
25 of that job title; a written description of the type and  
26 amount of training required for that job title; and records  
27 documenting that the training had been given.

28  
29 Note: Authority cited: Section 44820, Public Resources Code.  
30 References: Section 25143.7, Health and Safety Code.

31  
32 **\$17897.20 Inspection Requirements**

33  
34 The owner or operator of a solid waste facility that  
35 disposes of asbestos containing waste shall inspect the  
36 facility. This inspection shall include but not be limited  
37 to the designated asbestos waste containing area for  
38 deterioration, operator errors, problems with cover, leakage  
39 and discharges that may be causing or may lead to: (1)  
40 releases to the environment; or (2) a threat to human  
41 health. The owner or operator shall maintain an inspection  
42 schedule that identifies the items to be inspected, the  
43 frequency of the inspection and identify the types of  
44 problems that are to be looked for during the inspection.

1 The owner or operator shall conduct these inspections often  
2 enough to identify problems in time to correct them before  
3 they harm human health or the environment but at a minimum  
4 of once each operating day. The owner or operator must  
5 remedy any deterioration or malfunction of equipment or  
6 structures which the inspection reveals on a schedule which  
7 ensures that the problem does not lead to an environmental  
8 or human health hazard. Remedial action must be taken  
9 immediately where a hazard is imminent or has already  
10 occurred. The owner or operator shall maintain a record of  
11 these inspections. Notwithstanding section  
12 17897.19(b)(2)(B), the reports resulting from these  
13 inspections need only be kept for three years from the date  
14 of the inspection.

15  
16 Note: Authority cited: Section 44820, Public Resources Code.  
17 References: Section 25143.7, Health and Safety Code.  
18

### 19 Article 3. Excavation Requirements

#### 20 21 §17897.21 Excavation Requirements

22  
23 (a) The owner or operator of any solid waste facility that  
24 disposes of asbestos containing waste shall ensure that the  
25 excavation or disturbance of buried asbestos containing  
26 waste will not pose a danger to the public, employees, and  
27 environment.

28  
29 (b) Except as specified in subsection (g) of this section,  
30 an excavation management plan shall be prepared and  
31 submitted to the Enforcement Agency for review and approval  
32 at least 45 days prior to excavating or otherwise disturbing  
33 any asbestos containing waste that has been buried at the  
34 disposal area. The excavation management plan shall include  
35 the following information:

36  
37 (1) Schedule starting and completion dates.

38  
39 (2) Map showing the location of the area where buried  
40 asbestos containing waste is to be excavated or disturbed,  
41 locations of on-site structures, and environmental  
42 monitoring collection and control systems.

43  
44 (3) Reasons for disturbing the waste.

1  
2 (4) A health and safety plan identifying the health and  
3 safety issues regarding the proposed excavation and measures  
4 to be taken to protect public health, worker safety, and the  
5 environment. The plan shall be developed and prepared by an  
6 industrial hygienist certified by the American Board of  
7 Industrial Hygiene. This health and safety plan shall  
8 include work practices and engineering controls to be used  
9 to protect worker health and safety during excavation.

10  
11 (5) Procedures to be used to control emissions during the  
12 excavation, storage, transport, and ultimate disposal of the  
13 excavated waste. The Enforcement Agency shall consult with  
14 the appropriate air quality control district or state Air  
15 Resources Control Board when evaluating the proposed  
16 emissions control procedures.

17  
18 (6) Location of any temporary storage site and the final  
19 disposal site.

20  
21 (c) The excavation management plan shall be prepared by a  
22 professional engineer or engineering geologist registered in  
23 California.

24  
25 (d) If the excavation will begin on a date other than the  
26 date specified in the plan, the owner or operator shall  
27 notify the Enforcement Agency at least 5 calendar days prior  
28 to the rescheduled start date by certified mail. If the  
29 completion date is delayed, the owner or operator shall  
30 notify the Enforcement Agency of the new completion date at  
31 least 2 calendar days before the original scheduled  
32 completion date by certified mail.

33  
34 (e) In evaluating the proposed excavation management plan,  
35 the Enforcement Agency will consider:

36  
37 (1) whether the excavation is necessary to the proposed use  
38 of the site, and will not increase the potential hazard to  
39 human health or the environment;

40  
41 (2) whether the excavation is necessary to reduce a threat  
42 to human health, employees, and the environment; and  
43

1 (3) recommendations of the appropriate air quality control  
2 district and the regional water quality control board.

3  
4 (f) No later than 30 calendar days from receipt of the plan,  
5 the Enforcement Agency shall respond to the applicant  
6 regarding completeness of the plan. If the plan is  
7 incomplete, the applicant will be notified which parts of  
8 the plan are incomplete and the manner with which the plan  
9 can be made complete. If additional review time is needed,  
10 the applicant will be notified within 30 days of submittal  
11 of the plan.

12  
13 (g) The 45 day notice is not required if an emergency  
14 excavation is performed to prevent or diminish an imminent  
15 and substantial endangerment to human health or the  
16 environment. If an emergency excavation is required, the  
17 owner or operator shall give verbal notice to the  
18 Enforcement Agency prior to beginning the excavation  
19 activity and submit a written report to the Enforcement  
20 Agency within 15 days after the emergency excavation has  
21 been completed.

22  
23 Note: Authority cited: Section 44820, Public Resources Code.  
24 References: Section 25143.7, Health and Safety Code.

#### 25 26 Article 4. Closure and Post Closure

##### 27 28 §17897.24 General

29  
30 The owner or operator shall comply with all applicable  
31 closure and post closure requirements as specified in  
32 article 7.8, chapter 3 and article 3.4, chapter 5 of this  
33 division.

34  
35 Note: Authority cited: Section 44820, Public Resources Code.  
36 References: Section 25143.7, Health and Safety Code.

#### 37 38 Article 5. LEA Standards and Authorization

##### 39 40 §17897.25 Authorized ACW Program

41  
42 Local Enforcement Agencies (LEA) shall meet the following  
43 requirements before being authorized to enforce this  
44 chapter.

1  
2 (a) At a minimum, the LEA shall:

3  
4 (1) meet the certification requirements as described in  
5 Article 2.1 of chapter 5 of this division.

6  
7 (2) have provided field staff with training in compliance  
8 with Title 8 CCR, including but not limited to recognition  
9 of asbestos, respiratory protection, and selection and use  
10 of personal protective equipment. The LEA shall amend their  
11 Injury, Illness and Prevention Plan to comply with this  
12 requirement.

13  
14 (3) submit an Enforcement Program Plan (EPP) amendment  
15 which addresses those elements modified by this  
16 authorization.

17  
18 (4) have field staff trained in environmental sampling  
19 methodology and practice. The training shall include  
20 knowledge of sampling technique, field quality  
21 assurance/control, sample custody, sample collection and  
22 documentation.

23  
24 (5) provide field staff with equipment necessary to comply  
25 with these requirement including but not limited to personal  
26 protective equipment and sample collection equipment.

27  
28 (b) The LEA shall make an application for authorization to  
29 the Deputy Director of the Permitting and Enforcement  
30 Division of the California Integrated Waste Management Board  
31 by cover letter with documentation establishing that the  
32 requirements of subsection (a) have been met.

33  
34 (c) The Board may make a provisional authorization to an LEA  
35 that meets the requirements of subsection (a) (1) and (2) of  
36 this section. A provisional authorization may authorize the  
37 LEA to implement specific provisions of this chapter. The  
38 Board may grant full authorization upon complete compliance  
39 with the provisions of this section.

40  
41 (d) In jurisdictions where the Board does not authorize a  
42 local program, the Board will be the enforcement agency for  
43 ACW.

- 1 Note: Authority cited: Sections 43200 & 44820, Public
- 2 Resources Code. References: Title 14, CCR, Division 7.
- 3 Article 2.1, Chapter 5; Title 8, CCR section 5192.
- 4

# Notice of Completion

Form A

See NOTE below

Attachment 2

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH #

Project Title: Negative Declaration for Adoption/Implementation of Standards for Handling and Disposal of Asbestos Containing Waste  
Lead Agency: California Integrated Waste Management Board  
Address: 8800 Cal Center Dr.  
City: Sacramento CA Zip: 95826  
Contact Person: Jeannie Blakeslee  
Phone: (916) 255-4708  
Country: \_\_\_\_\_

## Project Location

County: Statewide City/Nearest Community: \_\_\_\_\_  
Cross Streets: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Total Acres: \_\_\_\_\_  
Assessor's Parcel No. \_\_\_\_\_ Section: \_\_\_\_\_ Twp. \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_  
Within 2 Miles: State Hwy #: \_\_\_\_\_ Waterways: \_\_\_\_\_  
Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

## Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ Early Cons ☐ EIR (Prior SCH No.) ☒ Neg Dec ☐ Draft EIR  
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI  
Other: ☐ Joint Document ☐ Final Document ☐ Other \_\_\_\_\_

## Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation  
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment  
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit  
☐ Community Plan ☐ Site Plan ☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.) ☐ Other \_\_\_\_\_

## Development Type

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
Educational \_\_\_\_\_  
Recreational \_\_\_\_\_  
Water Facilities: Type \_\_\_\_\_ MGD  
Transportation: Type \_\_\_\_\_  
Mining: Mineral \_\_\_\_\_  
Power: Type \_\_\_\_\_ Watts  
Waste Treatment: Type \_\_\_\_\_  
Hazardous Waste: Type \_\_\_\_\_  
Other: \_\_\_\_\_

## Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☐ Water Quality  
☐ Agricultural Land ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water Supply/Groundwater  
☐ Air Quality ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian  
☐ Archeological/Historical ☐ Minerals ☐ Soil Erosion/Compaction/Grading ☐ Wildlife  
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Growth Inducing  
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Landuse  
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☐ Cumulative Effects  
☐ Fiscal ☐ Recreation/Parks ☐ Vegetation ☐ Other \_\_\_\_\_

## Present Land Use/Zoning/General Plan Use

Project Description CIWMB proposes to adopt and implement standards for handling and disposal of Asbestos Containing Waste. These regulations replace pre-existing Emergency Regulations. These regulations contain conditions and environmental controls which protect public health, worker safety and the environment.

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

Revised October 1989

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**NEGATIVE DECLARATION FOR THE ADOPTION AND IMPLEMENTATION OF THE  
STANDARDS FOR HANDLING AND DISPOSAL OF ASBESTOS CONTAINING WASTE**

**1. Lead Agency**

California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826

Contact: Jeannie Blakeslee (916) 255-4708

**2. Project Location**

Upon adoption by California Integrated Waste Management Board (IWMB), the provisions and conditions of these regulations would be applicable throughout the state.

**3. Project Description**

IWMB proposes to adopt and implement the Standards for Handling and Disposal of Asbestos Containing Waste (ACW). These regulations (Attachment B) contain conditions and environmental controls which protect public health, worker safety and the environment. This negative declaration does not address the potential for specific local environmental impacts associated with individual projects, nor does it exempt an owner or operator from the requirement to provide information as may be necessary for any other governmental agency to comply with CEQA.

A project is the "whole of an action that has the potential for resulting in physical environmental change, directly or ultimately". [CEQA Guidelines Section 15378 (a)]. Additionally, a project refers to "the underlying activity being approved by one or more agencies, not the government approvals." [CEQA Guidelines Section 15378 (c)]. Adoption and implementation of these regulations will not have a significant impact on the physical environment, provided that the conditions set forth in these regulations are complied with.

A brief discussion of potential environmental impacts and mitigations measures associated with implementation of these regulations is included in the Environmental Evaluation section of this document.

**4. Findings of Significant Effect on the Environment**

Based upon the Environmental Checklist (Attachment A), the IWMB finds that as long as the minimum standards set for in these regulations are complied with, and that all applicable laws and local and state regulations are complied with, the adoption and implementation of these regulations will not result in significant effect on the environment, as that term is defined in PRC section 21068.



**5. Project Background**

Assembly Bill (AB) 688, effective January 1, 1995, created section 44820 of the Public Resources Code (PRC). Section 44280 requires the IWMB to adopt regulations creating a permit, inspection and enforcement program for the disposal of ACW at solid waste facilities, as specified in section 25143.7 of the California Health and Safety Code (HSC). The section also requires IWMB to enter into a memorandum of understanding (MOU) with the Department of Toxic Substances Control (DTSC) regarding the management of ACW at non-class I landfills specified in section 25143.7 HSC was developed and established in July, 1992. The MOU has expired, and IWMB has negotiated and signed a new MOU with DTSC on May 18, 1995. The MOU expires on December 31, 1998.

Section 25143.7 HSC allows for the disposal of ACW to non-class I landfills. These facilities must have waste discharge requirements (WDRs) issued by a regional water quality control board which specifically allows the disposal of ACW. The statute also requires that the ACW be handled in accordance with the Toxic Substances Control Act (P.L. 94-469) and "all applicable laws and regulations."

On August 1, 1996, the IWMB adopted emergency regulations that established minimum standards for owners and operator of non-class I landfills that accept ACW. The emergency regulations are effective until November 29, 1996.

**6. Local Government Responsibility**

It is the responsibility of a local government with general permitting authority to ensure that ACW is disposed of at an appropriately permitted landfill.

The proposed project does not include the requirements for establishment or expansion of a landfill which would dispose of ACW, nor does it include provisions for enforcement agency certification.

**7. Reasonable Alternatives to the Proposed Project**

IWMB has considered alternatives to the proposed project, including a "no action" alternative. It has been determined that: no other alternative would be as effective and less burdensome to private persons while at the same time protecting human health, worker safety and the environment; no other alternative would lessen adverse economic impact on small business; and PRC section 44820 requires IWMB to adopt these regulations.

**8. Other Public Agencies whose approval is required:**

None.

**9. Discussion of Environmental Evaluation**

This discussion addresses the potential environmental impacts identified as "less than significant" on the attached Initial Study. The intent of these regulations is to protect the environment and minimize any health and safety impacts. As long as the requirements of these regulations, and any other local, state or federal regulations are complied with, adoption, implementation and compliance with these regulations will not have an significant adverse environmental impact, or adversely impact human health. Consequently, most sections in the Initial Study are checked "No Impact".

**V.a. Air Quality - Violation of any air standard**

Adoption, implementation and subsequent compliance with these regulations will not result in a violation of air quality standards or contribute to an existing air quality violation. Section 17897.18 includes design and operating requirements of ACW which prevent or minimize the release of ACW into the environment. Specifically, subsections (a) and (b) require that separate work zones with control points be designated for disposal areas. Subsection (c) requires that ACW be segregated from refuse. Subsection (d) requires that a means to prevent any visible emissions outside the designated disposal area. Subsection (e) requires that the integrity of leak-tight containers be maintained so that the potential for release or exposure to ACW is minimized. Subsection (f) requires that the ACW not be compacted; (g) and (h) comprise cover requirements, which are measures which will further prevent exposure of ACW to the environment. Section 17897.19(b)(1)(A) requires that the ACW be kept wet to prevent ACW from becoming airborne.

**IX.(a) and (c) Hazards - (a) Risk of accidental release of hazardous substances and (c) The creation of a health hazard or potential health hazard.**

Adoption, implementation and subsequent owner and operator compliance with these regulations would not pose a hazard threat to the public or workers. These regulations contain specific requirements which would minimize or eliminate hazard exposure. To minimize exposure of ACW to workers and public, subsection 17897.18 (a) requires that a separate area with separate work zones with control points be designated for disposal areas, and (e) requires that the integrity of leak-tight containers be maintained. Section 17897.19 contains additional requirements, which are intended to protect worker's health and public safety; subsections 17897.19 (b)(1)(A) and (B) require continuous monitoring and control of access to the public. The operator is required to post warning signs which are to be

clearly legible from 25 feet at boundaries of the designated ACW disposal areas. Subsection (b)(1) requires that additional site security, preventing unauthorized entry of persons into ACW disposal areas. Section 17897.19 (1)(c) contains additional requirements which would further protect public health. The owner or operator is required to prepare a contingency plan to minimize the hazard to human health and the environment from unplanned releases of ACW into the air, soil or water. Subsection (A) describes the contents of this plan. Subsection (B) addresses plan amendments, and (C) contains incident records requirements. Section 17897.20 addresses inspections requirements which apply to owners or operators of solid waste facilities that dispose of ACW. The owner or operator is required to conduct an inspection of the ACW disposal area a minimum of each operating day to detect any problems with leakage, cover or operation which may lead to a release of ACW, and to correct as necessary.

If ACW is to be excavated, the owner or operator must comply with the requirements of Section 17897.21. This section contains requirements an owner or operator must comply with in the event that excavation of ACW is necessary. Subsection (b) requires the owner or operator to prepare an excavation management plan which includes a schedule for implementation, a map, a statement indicating the reasons for excavation, a discussion of any health or safety issues, a discussion of procedures to be used to control emissions during excavations, storage, transport and the location of re-disposal sites.

Section 17897.25 includes standards for Local Enforcement Agencies and authorization. Subsection (2) requires that field staff be provided with appropriate protective equipment and training in the recognition of asbestos and ACW, respiratory protection, and selection and use of personal protective equipment. Subsection (4) requires that field staff be trained in environmental sampling methodology and practice.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |
|---|---|
| <input type="checkbox"/> Land Use and Planning  | <input type="checkbox"/> Transportation/Circulation         |
| <input type="checkbox"/> Public Services        | <input type="checkbox"/> Population and Housing             |
| <input type="checkbox"/> Biological Resources   | <input type="checkbox"/> Utilities and Service Systems      |
| <input type="checkbox"/> Geological Problems    | <input type="checkbox"/> Energy and Mineral Resources       |
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Water                              |
| <input checked="" type="checkbox"/> Hazards     | <input type="checkbox"/> Cultural Resources                 |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Recreation             | <input type="checkbox"/> Mandatory Findings of Significance |

### DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect(s) on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effect that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐

Jeannie H. Blakeslee  
Signature

8-29-96  
Date

Jeannie H. Blakeslee  
Printed Name

cmrma  
For

# ENVIRONMENTAL CHECKLIST

Project Title: Adoption and  
Implementation of the Standards for  
Handling and Disposal of Asbestos  
Containing Waste

Lead Agency: CIWMB  
8800 Cal Center Drive  
Sacramento, CA 95826

Contact: Jeannie Blakeslee  
916) 255-4708

## 1. LAND USE AND PLANNING. Would the proposal:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with general plan<br>designation or zoning?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with applicable<br>environmental plans or<br>policies adopted by agencies<br>with jurisdiction over the<br>project?          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be incompatible with existing<br>land use in the vicinity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Affect agricultural resources<br>or operations (e.g. impacts<br>to soils or farmlands, or<br>impacts from incompatible<br>land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Disrupt or divide the<br>physical arrangement of an<br>established community<br>(including a low-income or<br>minority community)?    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## II. POPULATION AND HOUSING. Would the proposal:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cumulatively exceed official<br>regional or local population<br>projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Induce substantial growth in<br>an area, either directly or<br>indirectly?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture?
- b) Seismic ground shaking?
- c) Seismic ground failure, including liquefaction?
- d) Seiche, tsunami, or volcanic hazard?
- e) Landslides or mudflows?
- f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?
- g) Subsidence of the land?
- h) Expansive soils?
- i) Unique geologic or physical features?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. Would the proposal result in:

- a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?
- b) Exposure of people or property to water related hazards such as flooding?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) | Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Altered direction or rate of flow of groundwater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Changes in currents, or the course or direction of water movements?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Altered direction or rate of flow of groundwater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) | Impacts to groundwater quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) | Substantial reduction of groundwater otherwise available for public water supplies?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. AIR QUALITY. Would the proposal:

- |    |   |                          |                          |                                     |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) | Expose sensitive receptors to pollutants?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) | Alter air movement, moisture, or temperature or cause any change in climate?                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) | Create objectionable odors?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



Potentially  
Significant  
Impact

Potentially  
Significant  
Unless  
Mitigated

Less Than  
Significant  
Impact

No  
Impact

VI. TRANSPORTATION/CIRCULATION. would the proposal result in:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increased vehicle trips or traffic congestion?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Inadequate emergency access or access to nearby uses?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Insufficient parking capacity on-site or off-site?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Hazards or barriers for pedestrians or bicyclists?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Rail, waterborne or air traffic impacts?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Locally designated species (e.g. heritage trees)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Woodland habitat (e.g. marsh, riparian and vernal pool)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersion or migration corridors?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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# VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Conflict with adopted energy conservation plans?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Use non-renewable resources in a wasteful and inefficient manner?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

# IX. HAZARDS. Would the proposal involve:

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | A risk of accidental explosion or release of hazardous substances (including, but not limited: oil pesticides, chemicals or radiation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) | Possible interference with an emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) | The creation of an health hazard or potential health hazard?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) | Exposure of people to existing sources of potential health hazards?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) | Increased fire hazard in areas with flammable brush, grass, or trees?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

# X. NOISE. Would the proposal result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels?        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. PUBLIC SERVICES. would the proposal have an effect upon, or result in a need for new or altered government services in any of the following area:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other governmental services?                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communication systems?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Storm water drainage?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Solid waste disposal?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Local or regional water supplies?                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XIII. AESTHETICS. Would the proposal:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare?                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XIV. CULTURAL RESOURCES. Would the proposal:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Disturb archaeological resources?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Affect historical resources?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Restrict existing religious or sacred uses within the potential impact area?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**XV. RECREATION. Would the proposal:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Affect existing recreational opportunities?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

# XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Does the project have the potential to achieve short term, to the disadvantage of long-term environmental goals?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## Chapter 3.5. Standards For Handling And Disposal of Asbestos Containing Waste

### Article 1. General

#### §17897. Purpose, Scope and Applicability

The purpose of this chapter is to establish minimum standards that define the acceptable management of asbestos containing waste. The standards of this chapter apply only to the owner or operator of a solid waste facility who disposes of asbestos containing waste, pursuant to Health and Safety Code section 25143.7.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

#### §17897.10. Definitions

The following definitions are to be used only for the purposes of this Chapter.

"Adequately wet" means waste that is sufficiently mixed or penetrated with liquid to prevent the release of finely divided particles. Spraying water over the surface of asbestos containing waste does not satisfy "adequately wet" requirement.

"Asbestos Containing Waste" or "ACW" means asbestos containing waste managed at a landfill as authorized by section 25143.7, chapter 6.5 of the California Health and Safety Code. Asbestos containing waste does not include waste contaminated with another hazardous waste as identified in chapter 11, division 4.5, title 22, California Code of Regulations.

"Designated Asbestos Containing Waste Disposal Area" means an area specifically designated for the disposal of asbestos containing waste at a solid waste facility. A specifically designated area is a dedicated disposal area. The area shall be identified on a survey plat containing the location and dimensions of the area with respect to permanently surveyed vertical and horizontal control monuments. This survey plat shall be prepared and certified by a professional land surveyor licensed in California or a civil engineer authorized to practice land surveying in California. The designated area shall be delineated with physical barriers, such as a fence, and signs.

"Disposal" means the final deposition of asbestos containing waste onto the land, into the atmosphere or into the waters of the state.

"Enforcement Agency" means the California Integrated Waste Management Board or its designee.

"Excavation" means any activity that exposes buried asbestos containing waste to the atmosphere.

"Handling" means the collection, processing, treatment, or packaging of asbestos containing waste for disposal.

"Leak tight" means that solids or liquids cannot escape or spill out. It also means dust tight.

"Natural barrier" means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes, or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

"Solid waste facility" means any class II or class III landfill as defined in sections 2532 and 2533 chapter 15, title 23, California Code of Regulations (CCR); and any unclassified waste management unit which accepts inert waste as defined in section 2524, chapter 15, title 23, CCR.

"Visible emissions" means any emissions that are visually detectable without the aid of instrument, coming from asbestos

containing waste or from handling and disposal of asbestos containing waste. This does not include condensed uncombined water vapor.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code; 40 CFR Part 61 Section 140, appendix F.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

#### §17897.15. Schedules of Compliance

(a) The owner or operator of a solid waste facility that disposes of asbestos containing waste (ACW) in accordance with section 25143.7 of the Health and Safety Code on or after August 1, 1996 does not possess a solid waste facilities permit shall:

(1) Comply with the security, inspection, manifest system, recordkeeping and reporting requirements specified in this chapter on or before October 30, 1996.

(2) Implement the approved change(s) according to a schedule of compliance established by the Enforcement Agency.

(3) Obtain a solid waste facilities permit on or before November 29, 1997.

(b) The owner or operator of a solid waste facility that disposes of ACW in accordance with section 25143.7 of the Health and Safety Code on or after August 1, 1996 and has a solid waste facilities permit which regulates the disposal of asbestos containing waste shall:

(1) Comply with the security, inspection, manifest system, recordkeeping and reporting requirements specified in this chapter on or before October 30, 1996.

(2) Implement the approved change(s) according to a schedule of compliance established by the Enforcement Agency.

(3) Obtain approval for RDSI amendments on or before November 29, 1997.

(c) The owner or operator of a solid waste facility that disposes of ACW in accordance with section 25143.7 of the Health and Safety Code on or after August 1, 1996 and has a solid waste facilities permit which does not regulate the disposal of asbestos containing waste shall:

(1) Comply with the security, inspection, manifest system, recordkeeping and reporting requirements specified in this chapter on or before October 30, 1996.

(2) Implement the approved change(s) according to a schedule of compliance established by the Enforcement Agency.

(3) Obtain a revised solid waste facilities permit on or before November 29, 1997.

(d) The owner or operator of a solid waste facility that has not disposed of ACW in accordance with section 25143.7 of the Health and Safety Code on or before August 1, 1996 and intends to dispose of ACW shall file an application for a permit revision request pursuant to article 3.1, chapter 5 of this division to the Enforcement Agency and comply with the provisions specified in this chapter.

(e) The owner or operator of a new solid waste facility who intends to dispose of ACW after August 1, 1996 shall file an application for a new permit pursuant to article 3.1, chapter 5 of this division to the Enforcement Agency and comply with the provisions specified in this chapter.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

## Article 2. Standards

### §17897.16. General Standards

The owner or operator of any solid waste facility that disposes of asbestos containing waste shall ensure that the designated asbestos containing waste disposal area complies with requirements specified in this division. The designated asbestos containing waste disposal area shall be located, designed, constructed, operated and maintained so that it will protect public health, worker safety, and the environment.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

### §17897.18. Design and Operating Requirements

The owner or operator of a solid waste facility that disposes of asbestos containing waste shall:

(a) establish a designated asbestos containing waste disposal area for the disposal of asbestos containing waste as defined in section 17897.10;

(b) establish a site control program with work zones and control points at the designated asbestos containing waste disposal area. At a minimum, work zones should be established for the active face, designated disposal area, handling and support areas;

(c) segregate asbestos containing waste from refuse. At no time shall asbestos containing waste be disposed with refuse;

(d) establish a means to prevent any visible emissions outside the designated asbestos containing waste disposal area during handling and disposal operations;

(e) maintain the integrity of leak-tight containers and/or packaging at all times during the handling and disposal operations;

(f) minimize the release and exposure of asbestos containing waste after placement in the disposal area by not compacting the waste prior to application of cover, at no time shall compaction equipment come into contact with asbestos containing waste containers or packaging;

(g) after deposit, the owner or operator shall cover the asbestos containing waste with sufficient cover material to ensure complete coverage of the disposed asbestos containing waste and prevent re-exposure during continuing disposal operations.

(h) cover shall be applied to the asbestos containing waste at a frequency that minimizes releases to the environment and threats to human health, but at a minimum of once every operational hour. An alternative frequency may be prescribed if the Enforcement Agency deems it appropriate and the facility has no public access.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

### §17897.19. Additional Requirements

(a) The owner or operator shall not accept asbestos containing waste without having received an Identification Number as described in section 66260.10, title 22, California Code of Regulations (CCR), following the procedure specified by the Department of Toxic Substances Control.

(b) In addition to any requirements already imposed on landfills by Title 14, Division 7, Chapter 3 (commencing with section 17200) and Chapter 5 (commencing with section 18010), and in lieu of any

requirements imposed by Title 8 and Title 22, the owner or operator shall comply with the following requirements:

(1) Provide additional site security to that required in article 7.4 of chapter 3 of this division (commencing with section 17656) to prevent unauthorized entry of persons into the designated asbestos containing waste disposal area. These requirements include:

(A) A surveillance system which continuously monitors and controls entry by the public into the designated asbestos containing waste disposal area or means to control entry into the designated asbestos containing waste disposal area at all times, unless the entire facility meets the above requirements or the facility does not allow public access.

(B) Post warning signs as specified in this section around the designated asbestos containing waste disposal area. These signs must be posted in a manner so that a person can read them. These signs shall be at least 51 cm X 36 cm (20 inch x 14 inch) and state the following information:

#### DANGER

Asbestos Waste Disposal Site  
Do Not Create Dust

Breathing Asbestos Is Hazardous To Your Health

The top line shall be in at least one and three fourths inch (4.4 cm) type. The second line shall be in at least one inch (2.5 cm) type. The third line shall be in at least three fourths inch (1.9 cm) type. The last line shall be in at least 48 point type. All four lines shall be in Sans Serif, Gothic or Block type. The line spacing shall be equal or greater to the height of the upper line. The legend shall be written in English, Spanish and in any other language predominant in the area surrounding the solid waste facility.

(2) In addition to disposal site records specified in article 7.3 of chapter 3 of this division (commencing with section 17636), maintain the additional information required by article 5, chapter 15, division 4.5, title 22, CCR as it relates to hazardous waste manifests and recordkeeping.

(A) The solid waste facility shall comply with the requirements of chapter 18, division 4.5, title 22, CCR as they apply to the notification/certification/treatment of asbestos containing waste prior to land disposal. At a minimum, the solid waste facility should ensure that the asbestos containing waste is adequately wet or treated so that it meets this standard prior to disposal.

(B) The solid waste facility shall maintain an operating record as part of the disposal site record. This operating record shall include the following information: the quantity and date of each shipment of asbestos containing waste received, the disposal location(s) of each shipment of asbestos containing waste, a summary report of all incidents which require implementation of the contingency plan, results of inspection required by section 17897.20, and training records as specified in subsection (c)(2)(B) of this section. The operating record shall be maintained until closure of the facility.

(3) Meet the requirements for financial responsibility for liability claims and closure and post closure as specified in articles 3.3 and 3.5 of chapter 5 of this division.

(c) The owner or operator shall at a minimum comply with the following additional requirements:

(1) The solid waste facility shall prepare a contingency plan. The contingency plan shall be designed to minimize the hazard to human health or the environment from unplanned sudden or non-sudden release of asbestos containing waste to the air, soil or water. The provisions of this plan shall be carried out immediately when a release could threaten human health or the environment.

(A) The contingency plan shall describe the actions facility personnel shall take in response to a release of asbestos containing

waste. The plan shall describe arrangements agreed to by local emergency response agencies. The plan shall list names, addresses and telephone numbers of all persons qualified to act as emergency coordinators. This list shall be kept up to date. The plan shall list all emergency equipment located at the facility. This list shall be kept up to date. The plan shall include a description of each item on the list and a brief description of its capabilities. The plan shall describe a signal to begin evacuation, identify routes for evacuation, and identify alternate routes.

(B) The contingency plan shall be amended whenever: the regulations change, the plan fails, the facility changes in operation, the list of emergency coordinators changes, or the list of emergency equipment changes.

(C) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the Enforcement Agency.

(2) Solid waste facility personnel shall complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way which ensures the facility's compliance with these requirements.

(A) The training program shall be directed by a person trained in asbestos waste management procedures. At a minimum, the training program shall be designed to ensure that facility personnel are capable of responding effectively to an emergency by familiarizing them with the contingency plan. Personnel shall successfully complete the training described within six months of their assignment to duties which manage asbestos containing waste. Personnel shall also take part in an annual



review of the initial training. No personnel shall work unsupervised until they have completed the training described in this section.

(B) The owner or operator shall maintain the following documents and records at the facility: a job title for each job related to asbestos containing waste management and the name of each person filling that job; a written description of that job title; a written description of the type and amount of training required for that job title; and records documenting that the training had been given.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

### §17897.20. Inspection Requirements

The owner or operator of a solid waste facility that disposes of asbestos containing waste shall inspect the facility. This inspection shall include but not be limited to the designated asbestos waste containing area for deterioration, operator errors, problems with cover, leakage and discharges that may be causing or may lead to: (1) releases to the environment; or (2) a threat to human health. The owner or operator shall maintain an inspection schedule that identifies the items to be inspected, the frequency of the inspection and identify the types of problems that are to be looked for during the inspection. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment but at a minimum of once each operating day. The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Remedial action must be taken immediately where a hazard is imminent or has already occurred. The owner or operator shall maintain a record of these inspections. Notwithstanding section 17897.19(b)(2)(B), the reports resulting from these inspections need only be kept for three years from the date of the inspection.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

## Article 3. Excavation Requirements

### §17897.21. Excavation Requirements

(a) The owner or operator of any solid waste facility that disposes of asbestos containing waste shall ensure that the excavation or disturbance of buried asbestos containing waste will not pose a danger to the public, employees, and environment.

(b) Except as specified in subsection (g) of this section, an excavation management plan shall be prepared and submitted to the Enforcement Agency for review and approval at least 45 days prior to excavating or otherwise disturbing any asbestos containing waste that has been buried at the disposal area. The excavation management plan shall include the following information:

- (1) Schedule starting and completion dates.
- (2) Map showing the location of the area where buried asbestos containing waste is to be excavated or disturbed, locations of on-site structures, and environmental monitoring collection and control systems.
- (3) Reasons for disturbing the waste.

(4) A health and safety plan identifying the health and safety issues regarding the proposed excavation and measures to be taken to protect public health, worker safety, and the environment. The plan shall be developed and prepared by an industrial hygienist certified by the American Board of Industrial Hygiene. This health and safety plan shall include work practices and engineering controls to be used to protect worker health and safety during excavation.

(5) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated waste. The Enforcement Agency shall consult with the appropriate air quality control district when evaluating the proposed emissions control procedures.

(6) Location of any temporary storage site and the final disposal site.

(c) The excavation management plan shall be prepared by a professional engineer or engineering geologist registered in California.

(d) If the excavation will begin on a date other than the date specified in the plan, the owner or operator shall notify the Enforcement Agency at least 5 calendar days prior to the rescheduled start date by certified mail. If the completion date is delayed, the owner or operator shall notify the Enforcement Agency of the new completion date at least 2 calendar days before the original scheduled completion date by certified mail.

(e) In evaluating the proposed excavation management plan, the Enforcement Agency will consider:

(1) whether the excavation is necessary to the proposed use of the site, and will not increase the potential hazard to human health or the environment;

(2) whether the excavation is necessary to reduce a threat to human health, employees, and the environment; and

(3) recommendations of the appropriate air quality control district and the regional water quality control board.

(f) No later than 30 calendar days from receipt of the plan, the Enforcement Agency shall respond to the applicant regarding completeness of the plan. If the plan is incomplete, the applicant will be notified which parts of the plan are incomplete and the manner in which the plan can be made complete. If additional review time is needed, the applicant will be notified within 30 days of submittal of the plan.

(g) The 45 day notice is not required if an emergency excavation is performed to prevent or diminish an imminent and substantial endangerment to human health or the environment. If an emergency excavation is required, the owner or operator shall give verbal notice to the Enforcement Agency prior to beginning the excavation activity and submit a written report to the Enforcement Agency within 15 days after the emergency excavation has been completed.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.

## Article 4. Closure and Post Closure

### §17897.24. General

The owner or operator shall comply with all applicable closure and post closure requirements as specified in article 7.8, chapter 3 and article 3.4, chapter 5 of this division.

NOTE: Authority cited: Section 44820, Public Resources Code. References: Section 25143.7, Health and Safety Code.

#### HISTORY

*1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.*

## Article 5. LEA Standards and Authorization

### §17897.25. Authorized ACW Program

*Local Enforcement Agencies (LEA) shall meet the following requirements before being authorized to enforce this chapter.*

*(a) At a minimum, the LEA shall:*

*(1) meet the certification requirements as described in Article 2.1 of chapter 5 of this division.*

*(2) have provided field staff with training in compliance with Title 8 CCR, including but not limited to recognition of asbestos, respiratory protection, and selection and use of personal protective equipment. The LEA shall amend their Injury, Illness and Prevention Plan to comply with this requirement.*

*(3) submit an Enforcement Program Plan (EPP) amendment which addresses those elements modified by this authorization.*

*(4) have field staff trained in environmental sampling methodology and practice. The training shall include knowledge of sampling technique, field quality assurance/control, sample custody, sample collection and documentation.*

*(5) provide field staff with equipment necessary to comply with these requirements including but not limited to personal protective equipment and sample collection equipment.*

*(b) The LEA shall make an application for authorization to the Deputy Director of the Permitting and Enforcement Division of the California Integrated Waste Management Board by cover letter with documentation establishing that the requirements of subsection (a) have been met.*

*(c) The Board may make a provisional authorization to an LEA that meets the requirements of subsection (a)(1) and (2) of this section. A provisional authorization may authorize the LEA to implement specific provisions of this chapter. The Board may grant full authorization upon complete compliance with the provisions of this section.*

*(d) In jurisdictions where the Board does not authorize a local program, the Board will be the enforcement agency for ACW.*

*NOTE: Authority cited: Sections 43200 & 44820, Public Resources Code.*

*References: Title 14, CCR, Division 7, Article 2.1, Chapter 5; Title 8, CCR section 5192.*

#### HISTORY

*1. New Section filed 8-1-96 as an emergency; operative 8-1-96. A Certificate of Compliance must be transmitted to OAL 11-29-96 or emergency language will be repealed by operation of law on the following day.*

California Integrated Waste Management Board  
Resolution No. 96-435  
October 23, 1996

Adoption of Regulations Relating to the Disposal of Asbestos Containing Waste at Solid Waste Disposal Sites.

**WHEREAS**, Public Resources Code (PRC) Section 44820 directs the Board to adopt regulations creating a permitting, inspection and enforcement program for the disposal of asbestos containing waste at solid waste facilities or disposal sites necessary for the immediate preservation of the public peace, health, safety, or general welfare; and

**WHEREAS**, in December 1995, the Board determined that an emergency existed, as identified in Government Code Section 11349.6(b) and found that the promulgation of emergency regulations was necessary to establish a permitting, inspection and enforcement program for the disposal of asbestos containing waste at solid waste facilities or disposal sites and that the regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare; and

**WHEREAS**, these emergency regulations became effective on August 1, 1996, and are only effective for a period of 120 days from the effective date; and

**WHEREAS**, the Board finds that the promulgation of permanent regulations is needed to maintain a permitting, inspection and enforcement program for the disposal of asbestos containing waste at solid waste facilities or disposal sites; and

**WHEREAS**, formal notice of the rulemaking activity was published on August 23, 1996, in the California Regulatory Notice 96, Volume No. 34-Z; and

**WHEREAS**, the Board held a 45-day comment period, a public hearing, and two 15-day comment periods for substantially related changes; and

**WHEREAS**, the Board has taken all public comments under consideration; and

**WHEREAS**, the Board has fulfilled all of the requirements of Government Code Sections 11430 et. seq.; and Title 1 of the California Code of Regulations, Sections 1 et. seq.; and

**WHEREAS**, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board has determined that the adoption of the proposed regulations do not impose a mandate on school districts, nor do they impose any non-discretionary costs saving on them; and

WHEREAS, the Board has determined that the regulations do affect the local mandate already imposed on local government agencies by decreasing levels of service now required. There are no reimbursable costs; and

WHEREAS, the Board has determined that the proposed regulations will create costs to the Board, estimated at \$69,991 for the Fiscal Year (FY) 96-97 and \$35,486 annually beginning with FY 97-98. The Board has determined that there is no cost or saving to federal funding to the State; and

WHEREAS, the Board has determined that the proposed regulations will have no significant adverse impacts on housing costs; and

WHEREAS, the Board has determined that the adoption of the proposed regulations will not have a cost impact on private person or enterprises; and

WHEREAS, the Board has determined that the proposed regulations will not have an adverse economic impact upon California businesses' ability to compete with out-of-state business; and

WHEREAS, the Board has determined that no alternative considered would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private person than the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the asbestos containing waste regulations, and directs staff to submit the regulations to the Office of Administrative Law for review and approval.

#### CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

California Integrated Waste Management Board  
Resolution No. 96-436  
October 23, 1996

Adoption of the Negative Declaration for Regulations relating to the Disposal of Asbestos Containing Waste at Solid Waste Disposal Sites.

WHEREAS, Board staff has completed a thorough environmental analysis and prepared an initial study indicating the proposed asbestos containing waste regulations will not have a significant effect on the environment; and

WHEREAS, the Board has circulated the proposed Negative Declaration (ND) to public agencies through the State Clearinghouse, and has made the document available to the public as announced in two newspapers of general circulation throughout the State of California for the required time period as required by the State California Environmental Quality Act Guidelines (CEQA), Section 15072(a); and

WHEREAS, the CEQA (Public Resources Code Section 21000 et. seq.), and State CEQA Guidelines, Section 15074(b) require that prior to approval of a proposed project, the decision-making body of the Board, as Lead Agency, shall consider the proposed ND for the adoption of the proposed regulations, together with any comments received during the public review process. The decision-making body shall adopt the ND if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment; and

WHEREAS, the Board has reviewed and considered all comments received during the State agency and public review period.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby deems the proposed ND complete.

BE IT FURTHER RESOLVED that the Board has determined that the project as proposed will not have a significant adverse effect on the environment.

BE IT FURTHER RESOLVED that the Board adopts the ND, State Clearinghouse Number 96082101.

BE IT FURTHER RESOLVED that the Board directs staff to prepare and submit a Notice of Determination of the project to the State Clearinghouse for filing as required by the State CEQA Guidelines (Title 14, CCR Section 15075).

# **CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
October 23, 1996

### **AGENDA ITEM 27**

**ITEM:** Consideration of Approval of a Memorandum of Agreement with the City of Stockton for Enforcement Agency Duties

**COMMITTEE ACTION:**

As of the date that this item was prepared, the Permitting and Enforcement Committee had not made a recommendation on this item.

#### **I. SUMMARY**

On June 10, 1996, the City of Stockton (City) withdrew its designation of its local enforcement agency. The City did not designate a new local agency within the statutory timelines, therefore, the Board will become the enforcement agency for the City on October 8, 1996.

Assembly Bill 59 added sections 43212.1 and 43310.1 to the Public Resources Code in October 1995 requiring the local governing body and Board to enter into an agreement if the Board becomes the enforcement agency after January 1, 1995.

The agreement must identify the jurisdictional boundaries of the enforcement agency; address the powers and duties to be performed by the Board as the enforcement agency, and identify an estimated workload and anticipated costs to the Board. The agreement must also identify the cost recovery procedures to be followed by the Board.

#### **II. PREVIOUS COMMITTEE/BOARD ACTION**

In August 1996, the Board delegated all local governing body agreement duties and responsibilities to the Executive Director, except for final approval of the agreements. No previous action has been taken on this specific agreement with the City of Stockton.

#### **III. ANALYSIS**

Board staff began working with the City on an agreement in July 1996. The proposed agreement represents the culmination of negotiating efforts. Board staff and the City have reached consensus on the contents of the agreement.

**IV. OPTIONS**

1. Approve the Memorandum of Agreement
2. Disapprove the Memorandum of Agreement

**V. RECOMMENDATION**

Board staff recommend the P&E Committee and the Board approve the Memorandum of Agreement with the City of Stockton.

**VI. ATTACHMENTS**

1. Proposed Memorandum of Agreement with the City of Stockton
2. Resolution No. 96-433

**VII. APPROVALS**

Prepared By: Robert Holmes <sup>29.41.</sup> Phone: 255-3856  
Reviewed By: Sharon Anderson <sup>SA</sup> Phone: 255-2379  
Reviewed By: Dorothy Rice <sup>P. Rice</sup> Phone: 255-2431  
Legal Review: Kathryn J. Tobias Date/Time: 10/10/96



**DRAFT**  
**MEMORANDUM OF AGREEMENT**

ATTACHMENT 1

This Memorandum of Agreement (MOA) is made by the City of Stockton, herein called "City", and the California Integrated Waste Management Board, herein called "CIWMB".

**RECITALS**

A. The California Integrated Waste Management Act of 1989, Public Resources Code (PRC 40051, et seq.) hereinafter referred to as the "Act" allows counties and cities to designate a local enforcement agency, or, in the absence of a designation, requires the CIWMB to enforce the standards for solid waste handling and disposal to protect the public health, safety and environment within such jurisdiction.

B. The City has withdrawn designation of a local enforcement agency. The City has solid waste facilities, operations and disposal sites, and handling and transportation equipment. Pursuant to the Act, the CIWMB is obligated to act as the enforcement agency within the City. The Act provides that when the CIWMB becomes the enforcement agency, it may charge reasonable fees to the local governing body, a solid waste facility operator, or a solid waste enterprise, to recover operation costs.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, the City and CIWMB agree as follows:

1. The CIWMB, as the enforcement agency for the City, agrees to perform tasks and duties, including, but not limited to those listed below, ensuring that all regulated facilities and disposal sites within the City shall:

- a. Comply with State Minimum Standards and the terms and conditions of the solid waste facility permits; and
- b. Obtain permits or exemptions; or
- c. Remedy any violations cited under enforcement action(s) pursuant to the California Code of Regulations (CCR), Title 14, Section 18084.

2. An estimated time/task analysis for CIWMB staff to perform enforcement functions within the City is attached to this Memorandum of Agreement as Attachment A and is hereby incorporated into this MOA by this reference.

a. The analysis is determined based on the following criteria:

- (1) the number and type of operating and non-operating solid waste facilities, disposal sites, and collection and handling equipment;
- (2) the number of annual compliance and projected complaint inspections based on the previous year's records and anticipated additions or deletions;

(3) the following staff activities:

(i) inspections, travel, research, analysis of findings and documentation;

(ii) enforcement activities including warnings, notices, meetings, hearings, legal proceedings and documentation;

(iii) permit activities including reviews, modifications and revisions, and closure or postclosure activities, including applications and plan reviews, site evaluations and investigations, and documentation;

(iv) corrective actions including review and approval of site investigations, assessments, characterizations, remediation alternatives, and corrective measures.

b. Limited specialized services shall also be provided by the CIWMB as necessary to perform the duties required of the enforcement agency.

c. The staff allocation is a good faith estimate and may not reflect the actual amounts to be billed to solid waste facility operators or solid waste enterprises within the jurisdiction.

3. The CIWMB shall determine the charges for services performed as the enforcement agency within the City based on the actual hours spent and expenses incurred and the CIWMB adopted fee rate for the same period of service.

4. a. The CIWMB, acting as the reviewing agency, shall act upon applications for solid waste facility permits according to the following process, as necessary:

(1) verification of the submission of required documents, site and personal information;

(2) evaluation of the application documents for accuracy and conformity with appropriate solid waste statutes and regulations;

(3) compliance review with the California Environmental Quality Act for short and long term environmental impacts, damage, and proposed mitigation measures;

(4) determination of whether or not to accept the application and proceed with a proposed permit for CIWMB consideration;

(5) initiation of the appropriate public notice and comment period;

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## ATTACHMENT 1

- (6) submittal of copies of the above documents, notices, comments, and responses to any party requesting such information in writing;
- (7) preparation of permits with specific conditions for design, operation, and adverse environmental effects, monitoring and mitigation;
- (8) submittal of proposed permits to the applicant;
- (9) provide for permit review and acceptance by the applicant, and a hearing panel process if necessary;

b. The CIWMB shall receive Enforcement Agency Notifications for solid waste operations and shall retain the notifications for a minimum of one year after the cessation of operations.

c. Pursuant to Public Resources Code (PRC) Division 30, Parts 4 and 5 and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5, the CIWMB shall require any person owning or operating a solid waste landfill to submit for approval the following:

- (1) plans for the landfill closure and postclosure maintenance;
- (2) estimates of closure and postclosure maintenance costs; and
- (3) financial mechanisms to ensure adequate availability of funds.

5. The CIWMB shall conduct solid waste facility permit reviews as required by PRC 44015 and 14 CCR 18213.

6. The CIWMB shall perform inspections of solid waste facilities, solid waste operations and disposal sites as required by PRC, Division 30, Parts 4 and 5 and 14 CCR Division 7, Chapters 3 and 5.

7. a. If during an inspection, investigation, or at any other time, the CIWMB finds a solid waste facility or disposal site in violation of state regulations, or the terms and conditions of the permit, the CIWMB shall enforce the applicable provisions as required by PRC Division 30 and 14 CCR Division 7, Chapter 5, Article 4. CIWMB enforcement actions shall address the following categories of violations including, but not limited to:

- (1) operational violations pursuant to 14 CCR Division 7, Chapter 3 and PRC Division 30;
- (2) emergency violations which are violations of subsection (1) above which present an imminent threat to public health, safety, or the environment and require immediate action pursuant to PRC Division 30, Part 5;

## DRAFT

## ATTACHMENT 1

(3) closure and postclosure violations pursuant to PRC Division 30, Part 4, Chapter 2, Articles 3 and 4, Part 5, and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5;

(4) permit terms and conditions.

CIWMB enforcement action options include, but are not limited to, as set forth in PRC Division 30, Parts 4 and 5 and 14 CCR Division 7, Chapter 5, Article 4.

8. The CIWMB may conduct compliance hearings (facility and collection vehicle compliance). Compliance with State Minimum Standards is enforced through the means of inspections and enforcement orders. In the event that violations of standards persist, excluding permit violations, an office hearing may be scheduled to determine the gravity of the violations. At the conclusion of the hearing, a compliance agreement will be developed that shall lead to compliance.

9. As part of the enforcement agency responsibility, the CIWMB will conduct administrative tasks reasonably related to its solid waste enforcement activities. Examples of administrative tasks include report writing, office conferences, telephone calls, records maintenance, billing, and attendance at meetings related solid waste enforcement activities in City. The CIWMB will maintain service records containing the following data for each service or activity: date, staff hours, facility location by "SWIS" number, inspector name and type of activity. Travel and other expenses will be itemized. Upon termination of this MOA, the CIWMB shall make available at reasonable times and places to the City, the documents and files maintained by the CIWMB pursuant to enforcement activities under the MOA.

10. The City will administer and implement all provisions of the City of Stockton Health and Sanitation Code, Part II - Collection of Garbage, Rubbish, Waste Matter, Industrial Waste, Garden Refuse and Swill, Division 1 - Collection of Garbage, Rubbish, Waste Matter, Commercial and Industrial Waste, Division 2 - Collection of Garden Refuse and Division 3 - Collection of Swill. The CIWMB is not responsible for aspects of solid waste handling which are of local concern, as described in PRC 40059.

11. The City and CIWMB agree to meet and confer if a dispute between the parties arises regarding the performance of either party under this MOA. If a dispute is not resolved within 90 days of the date the issue(s) of the dispute is known to both parties, the CIWMB shall determine the resolution.

12. To recover costs associated with the enforcement agency services provided by the CIWMB within the City, the CIWMB will impose fees on the solid waste facility operators and/or solid waste enterprises. This MOA shall constitute the consultation called for pursuant to PRC 43212(a). The fee will include, but may not be limited to, compensation for staffing, per diem and transportation costs. Staffing costs will be determined by using a billable hourly rate as adopted by the CIWMB.

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# ATTACHMENT 1

13. Upon the termination of this MOA, the CIWMB shall make available copies of all files created under this MOA to the City upon written demand.

14. The term of this MOA shall commence on the date of its execution and continue through June 30, 1997, unless sooner terminated by mutual written agreement of the parties. This MOA, after expiration of the initial term, shall be automatically renewed on an annual basis from the commencement date so long as the City does not designate a local enforcement agency which is certified by the CIWMB.

No later than ninety (90) days prior to the expiration of any given fiscal year during the term of this MOA, either party may request in writing that the other party meet and confer to renegotiate any clause of this MOA. In the event that the parties are unable to reach agreement after meeting and conferring, then the party who requested to meet and confer may terminate this MOA by giving the other party written notice, provided that such notice is given at least sixty (60) days prior to the expiration of the fiscal year.

IN WITNESS WHEREOF, this Memorandum is executed by the City of Stockton, acting by and through its City Manager, pursuant to Resolution No. \_\_\_\_\_ authorizing such execution, and by the California Integrated Waste Management Board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

CITY OF STOCKTON

By \_\_\_\_\_  
City Manager

CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD

By \_\_\_\_\_  
RALPH E. CHANDLER  
Executive Director

**ATTACHMENT A**

	TYPE	NUMBER	FREQUENCY	TIME (HR)	SUBTOTAL	TOTAL
1 INSPECT.	LANDFILLS	2	12	3	72	
	TRANSFER	3	12	2	72	
	INACTIVE	0	12	2	0	
	CLOSED	4	4	2	32	
	ILLEGAL (EST.)	0	12	3	0	
	TOTAL HRS/YR				176	
	VEHICLES		1	0.5	0	
	TOTAL HOURS/YEAR				0	
	COMPLAINTS	6	2	2	24	
	TOTAL HOURS/YEAR				24	
	TOTAL INSPECTION HOURS/YEAR					200
2 RESEARCH AND ANALYSIS						
	LANDFILLS	2		30	60	
	TRANSFER	3		15	45	
	INACTIVE	0		10	0	
	CLOSED	4		10	40	
	ILLEGAL	0		10	0	
	PROPOSED	0		15	0	
	TOTAL RESEARCH AND ANALYSIS				145	145
3 ENFORCEMENT						
	ACTIONS/YEAR	2		10	20	
	FOLLOW UP	1		30	30	
	TOTAL ENFORCEMENT/YEAR				50	50
4 PERMITTING AND CLOSURE						
	NEW / REVISED	1		500	500	
	AMENDED	0		50	0	
	CLOSURE	3		50	150	
	SITE INVEST (SIP)	0		20	0	
	TOTAL PERMITTING AND CLOSURE				650	650
5 ADMINISTRATION						
	TRAINING				80	
	MEETING				80	
	CONSULTATION				60	
	CORRESPONDENCE				60	
	TIME ACCOUNTING				80	
	TOTAL STAFF ADMIN.				360	360
HOURS /YEAR				Add 1-5 above		1405
TOTAL PY				PY - Tot Hr./1725 Hr.		0.81
S:\LEA-EA139\MOAATTA.XLS						

**California Integrated Waste Management Board****Resolution No. 96-433****City of Stockton  
Enforcement Agency  
Memorandum of Agreement**

**WHEREAS**, the Board became the enforcement agency for the City of Stockton on October 8, 1996; and,

**WHEREAS**, Public Resources Code (PRC), sections 43212.1 and 43310.1, require the Board to enter into an agreement with the local governing body for any jurisdiction where the Board becomes the enforcement agency after January 1, 1995; and,

**WHEREAS**, the agreement must identify the jurisdictional boundaries of the enforcement agency; address the powers and duties to be performed by the Board as the enforcement agency, and identify an estimated workload and anticipated costs to the Board, and;

**WHEREAS**, the agreement must also identify the cost recovery procedures to be followed by the Board, and;

**WHEREAS**, the Stockton City Council approved the agreement on September 30, 1996, by Resolution No.     and executed the agreement, acting by and through its City Manager, on October , 1996;

**WHEREAS**, the Board finds the agreement meets the requirements of PRC §§ 43212.1 and 43310.1

**NOW, THEREFORE, BE IT RESOLVED**, that the California Integrated Waste Management Board approves the agreement executed by the City of Stockton on October , 1996.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting  
October 23, 1996

**AGENDA ITEM 28**

**ITEM:** Consideration of the Establishment of a Hearing Panel  
when the Board is Acting as the Enforcement Agency

**COMMITTEE ACTION:**

As of the date this item was prepared, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

**I. SUMMARY**

The California Integrated Waste Management Board (Board) is currently the enforcement agency (EA) in four jurisdictions (the Counties of Santa Cruz and Stanislaus and the Cities of Berkeley and Paso Robles). Hearings required under Division 30 of the Public Resources Code (PRC), Part 4, Chapter 4 and Part 5, Chapter 1 are to be conducted by a three person hearing panel. The hearing panel is intended to serve as an objective body for permit, enforcement and appeal purposes. When the Board is the EA, the hearing panel is to be comprised of three Board members selected by the chairperson of the Board. This item is prepared to consider the establishment of a hearing panel for the Board as EA.

**II. PREVIOUS COMMITTEE/BOARD ACTION**

In August 1996, Enforcement Agency Section staff presented an agenda item entitled "Consideration of the Duties, Responsibilities and Program Procedures for the Board Acting as the Enforcement Agency", which included a discussion on hearing panels. The Permitting and Enforcement Committee and subsequently the Board directed staff to return with additional information on hearing panels when the Board is EA.



### III. ANALYSIS

A hearing panel may convene to consider any one of the following:

- EA denial of a SWFP (PRC 44300);
- EA temporary suspension of a SWFP (PRC 44305);
- EA revocation of a SWFP (PRC 44306);
- Direction from the local governing body to review alleged violation(s) and the amount of any civil penalty proposed by an EA (PRC 45011(c)(1));
- Operator appeal of an EA decision on a SWFP revision (PRC 44004(e));
- Applicant contention that the EA imposed inappropriate conditions in a SWFP (PRC 44307);
- Request from a person subject to any enforcement action by the EA (PRC 44307);
- Alleged failure of the EA to act as required by law (PRC 44307);
- Applicant appeal of: 1) EA determination of incomplete Standardized and Registration permit applications, 2) EA determination of ability to comply with Standardized permit terms and conditions and applicable minimum standards (14 CCR 18104.4, 18105.4 and 18105.6).

In accordance with PRC section 44309 "All hearings conducted by the Board..., acting as, or on behalf of, the EA, shall be conducted by a hearing panel of three Board members selected by the chairperson of the Board". The statute does not specify whether the hearing panel should be "standing" or "as needed". In addition, the statute does not specify a procedure for making the selections.

Hearings on the circumstances listed above come before the (three person) hearing panel required by PRC section 44309 and should not be confused with appeals to the full Board. Appeals to the full Board may be conducted for any one of the following, pursuant to PRC section 45030:

- Review of the written decision of the hearing panel;
- Review of a hearing panels failure to render a decision; or
- Review of the determination of the local governing body not to direct the hearing panel to hold a hearing.

This item regards only the establishment of the hearing panel when the Board is the EA. The Board's Enforcement Branch will be preparing an agenda item which will provide guidance on procedures for hearing panels as well as appeals to the full Board.

In general, statute is clear on the circumstances for which a hearing under 30 PRC Parts 4 and 5 may convene. However, there is one section that requires some clarification, PRC section 45011(c)(1). This section describes the requirements for imposing administrative civil penalties (ACP). The EA is required to notify the governing body of its intent to impose an ACP. The governing body may then direct the hearing panel to hold a hearing to provide an opportunity for the alleged violation(s) and the amount of any proposed penalty to be reviewed by the hearing panel pursuant to section 44308. Since PRC section 45011(c)(1) only refers to a hearing panel pursuant to section 44308 ("local" hearing panel), cleanup legislation should be pursued to also make reference to section 44309 ("Board as EA" hearing panel) in PRC section 45011(c)(1). This cleanup legislation is needed since there is no local hearing panel in jurisdictions where the Board is EA. When the Board is EA, the Board's hearing panel, pursuant to PRC section 44309, is responsible for conducting all hearings as required under 30 PRC Parts 4 and 5.

#### IV. OPTIONS

1. No Action.
2. Adopt a policy to make hearing panel selections "standing" until changed by the Chairperson. A "standing" panel would be immediately accessible upon request to hold a hearing and would not require a Board meeting to select new members after a change to the Board membership.
3. Adopt a policy to make hearing panel selections "as needed" upon request to hold a hearing. Use of an "as needed" panel might delay the hearing and exceed the time frames allowed by statute due to the need to convene the full Board to select a new panel.

V. RECOMMENDATIONS

Board staff recommend the Board select either Option #2 or #3.

VI. ATTACHMENTS

1. Resolution No. 96-432

VII. APPROVALS

Prepared By:	<u>Jeff Hackett/ Robert Holmes <i>RH</i></u>	Phone:	<u>255-3822 255-3856</u>
Reviewed By:	<u>Sharon Anderson <i>SA</i></u>	Phone:	<u>255-2379</u>
Reviewed By:	<u>Dorothy Rice <i>D. Rice</i></u>	Phone:	<u>255-2431</u>
Legal Review:	<u><i>Kathryn Johnson</i></u>	Date/Time:	<u>10/10/96</u>

**DRAFT**

**ATTACHMENT 1**

California Integrated Waste Management Board

Resolution No. 96-432

Establishment of a Hearing Panel  
When the Board is Acting as the Enforcement Agency

**WHEREAS**, hearings are required pursuant to Public Resources Code (PRC), Division 30, Part 4, Chapter 4 and Part 5, Chapter 1 for permit and enforcement appeals purposes, and;

**WHEREAS**, these hearings are to be conducted by a hearing panel, and;

**WHEREAS**, pursuant to PRC § 44309, all hearings conducted by the Board, acting as, or on behalf of, the enforcement agency, shall be conducted by a hearing panel of three Board members selected by the chairperson of the Board; and,

**WHEREAS**, statute does not specify how the selections are to be made nor whether the selections are "standing" or "ad hoc".

**NOW, THEREFORE, BE IT RESOLVED**, for the purpose of specifying the establishment of the hearing panel for the Board, acting as the enforcement agency, the Board specifies an "ad hoc" hearing panel, to be formed as needed upon a request for a hearing.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the chairperson of the Board, as part of the administrative duties assigned to the chairperson, will determine the membership of the "ad hoc" panel which will consist of:

- one (1) Board member appointed by the California Legislature to represent the public,
- one (1) Board member appointed by the Governor to represent the public, and
- one (1) Board member appointed by the Governor to represent a designated group (solid waste industry or nonprofit environmental protection organization).

**CERTIFICATION**

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 23, 1996.

Dated:

Ralph E. Chandler  
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Meeting Agenda  
October 23, 1996

AGENDA ITEM 29

ITEM: PRESENTATION OF SIX MONTH UPDATE ON OXFORD TIRE  
RECYCLING PERMIT, STANISLAUS COUNTY

At the March 28, 1996, Board Meeting the Board approved a Major Waste Tire Facility Permit for Oxford Tire Recycling, Inc. (Oxford) for their facility near Westley California. Among other requirements, the permit requires that Oxford eliminate the waste tire stockpile over a four year period. A schedule in the permit requires the removal of the following tonnages:

April 1, 1996 to March 31, 1997	7,500 tons
April 1, 1997 to March 31, 1998	12,500 tons
April 1, 1998 to March 31, 1999	20,000 tons
April 1, 1999 to March 31, 2000	ELIMINATE STOCKPILE

In addition, the permit requires that Oxford make specified deposits to a trust fund at certain intervals.

In order to assess Oxfords progress in meeting the terms and conditions of the permit as well as Oxford's stated intention of pursuing a waste tire monofill, the Board instructed Oxford to provide a 6-month update. Following are the issues to be addressed in the update:

1. A monthly breakdown of the total number of tires received by Oxford during the first 6-month time frame.
2. A monthly breakdown of where, how, and how many tires were disposed, i.e., the number burned by the Modesto Energy Limited Partnership (MELP), the number transported to other facilities for disposal, etc.
3. An analysis of the receipt and disposal data. Among other things, this analysis should include the average daily number of tires received and burned, and the projected number of tires that will be disposed by the permit year's end, etc.
4. A chronology of the steps Oxford has taken to permit the proposed monofill, as well as anticipated actions regarding the monofill to be taken before the permit year's end.
5. The amount of money deposited in the financial assurance trust fund and an analysis of the adequacy of this amount

based on the number of tires received and disposed during the first 6-month time frame.

6. Any other pertinent information regarding the facility, such as; safety concerns (fire lanes)/MELP operations, purchase of new equipment, etc.

Oxford was notified as to the Boards desire to have a 6-month update on the status of the facility for the October Board Meeting. On September 26 staff received a letter from Oxford addressing the above questions (Attachment 1). Oxford will present their 6-month update at the Board Meeting and will be available to address questions that the Board may have.

Staff will update the Board on the status of the financial assurances as required in the waste tire facility permit. In addition, staff visited the site on September 17 and can respond to questions the Committee may have regarding their visit.

**ATTACHMENT**

1. September 25 letter from Michael Byrne to Dorothy Rice

Prepared by:	<u>Tom Micka</u> <i>TM</i>	Phone:	255-2361
Reviewed by:	<u>Garth Adams</u> <i>GA</i>	Phone:	255-2063
Approved by:	<u>Dorothy Rice</u> <i>D. Rice</i>	Phone:	255-2431
Legal Review:	<u>Kathryn J. Jobier</u>	Phone:	255-2207 <sup>2825</sup>

RECEIVED  
SEP 26 1996



Governmental  
Relations

980 Ninth Street  
Suite 1600  
Sacramento, CA  
95814-2736

916/ 449-9595  
FAX/ 449-9607

September 25, 1996

Dorothy Rice, Deputy Director  
Permitting and Enforcement Division  
California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, CA 95826

Dear Ms. Rice:

On May 17, 1996, the then-deputy director of the Permitting and Enforcement Division, Clint Whitney, sent a letter to Oxford Tire Recycling outlining six items that he wanted Oxford to discuss at the six-month review of its permit. Mr. Whitney stated in his letter that this six month review would be considered at the October Permitting and Enforcement Committee and full Board meetings.

The six questions and a brief synopsis of our responses are as follows:

- 1) "A monthly breakdown of the total number of tires (in tons) received by OTR during the six month time frame."

Answer: See attachment 1.

- 2) "A monthly breakdown of where, how, and how many tires (in tons) were disposed, (i.e.) the number burned by MELP, the number transported to other facilities for disposal, etc."

Answer: See attachment 1.

Additional comment to attachment 1. We have no problem with providing disposal numbers for MELP and other facilities. However, a monthly breakdown of where and how the tires were disposed of is proprietary information. If we were to put this information in writing to your office our competitors would have the opportunity to gain access to it through a request pursuant to the Freedom of Information Act. We can say that Oxford only disposes of its tires in a legal and proper manner.

3) "An analysis of the receipt and disposal of tires (in tons) and the projected number of tires (in tons) that will be disposed by years end."

Answer: Oxford will fully comply with the permit conditions regarding reduction of the tire pile by years end. Actual receipt of tires at the Westley facility is expected to decline significantly from the prior year due to competitive pressures and actions taken by Oxford. This will result in a substantial number of tires being drawn from the tire pile to meet MELP fuel needs.

4) "A chronology of the steps OTR has taken to permit the proposed monofill, as well as anticipated actions regarding the monofill to be taken by years end."

Answer: Oxford is working with an engineering firm who specializes in landfill permitting, engineering and design. This firm has committed to Oxford to providing a bid on developing a monofill within the next two weeks. The bid will encompass the permitting through construction and implementation phases of the project.

5) "The amount of money deposited in the Trust Fund and an analysis of the adequacy of this amount based on the number of tires received and disposed during this six month time frame."

Answer: Trust fund Balance 9/24/96	\$110,800
10/1/96 additional deposit	<u>26,000</u>
Total fund 10/1/96	\$136,800

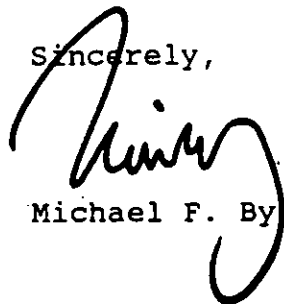
6) "Any other pertinent information regarding the OTR facility."

Answer: The most pertinent information we have concerning the OTR is our offer to completely stop taking tires to the facility. If we can act on this proposal soon enough we are confident that most of the tires at the facility can be consumed by MELP prior to the termination of its SO4 contract with the PG&E. I have attached two letters that I have forwarded to the Board concerning this proposal for your review. We will provide a comprehensive presentation to the Board in October that will discuss many issues not questioned above, such as our plan for the disposition of the very large tires. We also plan on providing an in depth analysis to Board members on our proposal stated above.



Hopefully, the above information will provide sufficient information for you to prepare the item for the October meetings. Should you need any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Byrne", written in black ink.

Michael F. Byrne